

COPY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

NORTHROP CORPORATION,) Case No. 566129
_____))
Plaintiff,))
vs.))
EVANSTON INSURANCE COMPANY, ET AL.,))
_____))
Defendants.))
_____))
AND RELATED CROSS-ACTION.))
_____)

VIDEO-TAPE DEPOSITION OF WILLIAM TONY PLEMMONS

Taken on behalf of the Defendant Great American Insurance Company at the Law Offices of Van Winkle, Buck, Wall, Starnes & Davis, 11 North Market Street, Asheville, North Carolina, commencing at 9:50 a.m. on Tuesday, June 27, 1989, pursuant to Notice.

BEFORE: Patsy R. Headley, Certified Shorthand Reporter
Registered Professional Reporter, Notary Public

TRANSCRIPTS PLUS
33 Tanglewood Drive
Asheville, North Carolina 28806
(704) 255-0093



10924230

APPEARANCES:

For the Plaintiff
and Cross-Defendant
Northrop Corporation: GLENN WARNER, ESQ.
Paul, Hastings, Janofsky & Walker
555 South Flower Street, 23rd Floor
Los Angeles, California 90071

For the Defendant
and Cross-Defendant
Great American
Insurance Company: DONALD A. LANE, ESQ.
Keating, Muething & Klekamp
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Cincinnati, Ohio 45202

For the Defendant
and Cross-Defendant
Pacific Indemnity
Company: CHARLES E. WHEELER, ESQ.
Rogers & Wells
201 North Figueroa Street
15th Floor
Los Angeles, California 90067-2783

For the Defendant
and Cross-Complainant
Evanston Insurance
Company: TIMOTHY A. COLVIG, ESQ.
Lempres & Wulfsberg
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Oakland, California 94612

For the
Cross-Defendant
First State
Insurance Company: DOUGLAS R. GROSSINGER, ESQ.
Siff, Rosen & Parker
Woolworth Building
233 Broadway
New York, New York 10279

For the Witness: BOB WARREN, ESQ.
Post Office Box 1367
Black Mountain, N. C. 28711

Also present: Mariano Raigo, Video Station
John F. Schultheis, President,
Nimmo & Company

I N D E XEXAMINATION:PAGE

By Mr. Wheeler

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By Mr. Warner

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EXHIBIT FOR THE DEFENDANT:FOR
IDENTIFICATION

No. 1 - Copy of a 39-page transcript
of an interview with William
Tony Plemmons by the U. S.
Environmental Protection Agency,
dated 12 December 1985

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1 THE VIDEOGRAPHER: I am Mariano Raigo,
2 technician with Video Station at 513 McDowell Street,
3 Asheville, North Carolina. My employer is Transcripts
4 Plus, whose business address is 33 Tanglewood Drive,
5 Asheville, North Carolina 28806.

6 It is June -- Tuesday, June 27, 1989. We are
7 here for the video-tape deposition of William Tony
8 Plemmons in a case pending in the Superior Court of Los
9 Angeles County, State of North Carolina [sic], entitled
10 Northrop Corporation versus Evanston Insurance, et al.,
11 Case No. C 566129. The deposition is taken on behalf of
12 the Great American Insurance Company.

13 Would counsel please identify themselves for
14 the record.

15 MR. LANE: I am Don Lane with the Cincinnati
16 firm of Keating, Muething & Klekamp, representing the
17 Defendant and Cross-Defendant Great American Insurance
18 Company.

19 MR. WHEELER: Charles Wheeler of Rogers &
20 Wells for Pacific Indemnity Company.

21 MR. WARREN: Bob Warren from Black Mountain,
22 North Carolina. I am representing Mr. Plemmons.

23 We would also like to for the record enter --
24 enter an objection to the Court's order restricting the
25 use of this deposition and not making this testimony

1 available to governmental agencies and other interested
2 parties in the Asheville community.

3 Mr. Plemmons reserves the right to have the
4 deposition read to him and to sign the deposition later.

5 MR. GROSSINGER: Doug Grossinger of Siff,
6 Rosen & Parker for Cross-Defendant First State Insurance
7 Company.

8 MR. COLVIG: Timothy Colvig from Lempres &
9 Wulfsberg for Defendant and Cross-Complainant Evanston
10 Insurance Company.

11 MR. SCHULTHEIS: John Schultheis,
12 environmental consultant of Nimmo & Company, assisting
13 Mr. Glenn Warner of Paul, Hastings, Janofsky & Walker.

14 MR. WARNER: Glenn Warner, Paul, Hastings,
15 Janofsky & Walker, appearing for the Plaintiff Northrop
16 Corporation.

17 WILLIAM TONY PLEMMONS,
18 called as a witness by and on behalf of the Defendant
19 Great American Insurance Company, being first duly sworn
20 to tell the truth, the whole truth and nothing but the
21 truth, testified as follows:

22 EXAMINATION

23 BY MR. WHEELER:

24 Q. Mr. Plemmons, I understand that you are a bit hard
25 of hearing in your right ear; is that correct?

1 A. Yes. Yes, I am.

2 Q. If you can't hear a question I ask or don't
3 understand it, please tell me and I will repeat it for
4 you.

5 A. I'll do that, sir. I will.

6 Q. Can you state your home address and telephone
7 number, please, sir.

8 A. I live on Dillingham Circle, Box No. 232-A,
9 Route 2, Asheville, in the Riceville section on Dillingham
10 Circle. My telephone number is 298-7833.

11 Q. Is that area code 704, sir, for the telephone
12 number?

13 A. The best I remember. I am not sure. I am not sure
14 of that.

15 Q. What is your age?

16 A. 66.

17 Q. Are you married?

18 A. Yes, I am.

19 Q. Do you have any children?

20 A. I have got a stepdaughter.

21 Q. How old is she?

22 A. 11 years old.

23 Q. Can you give me a brief summary of your formal
24 education?

25 A. I only went to the first grade.

1 Q. And that is the extent of your education?

2 A. That's it.

3 Q. Can you give me a general summary of your
4 employment experience over the course of your lifetime?

5 A. I have worked ever since I was 13 years old.

6 Q. What sort of things did you work at?

7 A. I worked in sawmills, band mills, cut timber, used
8 a pick and shovel, drove a tractor and trailer over the
9 roads for approximately -- well, from when I came out of
10 World War II in '44.

11 And I was still driving tractor and trailer
12 when I retired, because there wasn't nobody else would
13 drive the tractor and trailer when I retired from the
14 Buncombe County Health Department. I had to drive the
15 trucks, operate the heavy equipment, and I was a landfill
16 supervisor, and also a waste control officer, a deputy
17 health director.

18 Q. How long did you work for Buncombe County?

19 A. I went to work for Buncombe County Environmental
20 Health Department in March of '68, and I had to retire on
21 disability in, the best I remember, '74 or '75. I got
22 sick in '74.

23 Q. Did you work for the County prior to your working
24 for the Environmental --

25 Was it Health Department?

1 A. Yeah. Well, that was the Health Department --

2 Q. Okay.

3 A. -- the Environmental Health Department I was
4 working for then.

5 Q. Did you work for the County prior to working for
6 the Environmental Health Department?

7 A. No, no.

8 Q. In other words --

9 A. That is the Health Department, the Environmental
10 Health Department.

11 Q. No, sir. My question is, before you went to work
12 for the Environmental Health Department --

13 A. No. I worked for the City of Asheville --

14 Q. Okay.

15 A. -- Water & Sewer Department.

16 Q. Okay. Can you give me just a -- Strike that.

17 How long did you work for the City of
18 Asheville?

19 A. Six years.

20 Q. And was all that in the Water & Sewer Department?

21 A. Yes.

22 Q. Can you give me a brief description of what you did
23 for the Water & Sewer?

24 A. I was a heavy equipment operator and assistant
25 foreman of all the foremens.

1 Q. Why did you leave the City of Asheville Water
2 Department?

3 A. Because the people I was working for, Mr. Weir and
4 Mr. Jane, they were going to leave, so I left, too, before
5 they did --

6 THE REPORTER: Their last names were --

7 THE WITNESS: Weir, Weldon Weir, and Jesse
8 Jane, which they are both dead now, but I left just before
9 they did. When I found out they were going to leave, I
10 left before they did and went to work for Robert W. Brown
11 at the Environmental Health Department.

12 Q. (By Mr. Wheeler) And that was in March of 1968; is
13 that correct?

14 A. It was in March of 1968.

15 Q. Did you have a title when you started with the
16 Environmental Health Department?

17 A. A title?

18 Q. Yes.

19 A. Nothing but a heavy equipment operator.

20 Q. Did you later get a title?

21 A. Yes, I did.

22 Q. What was that?

23 A. Deputy Health Director and Landfill Supervisor, and
24 I was in charge of all the County equipment, the trucks
25 and all their cars.

1 Q. When did you become a Deputy Health Director?

2 A. In 1969.

3 Q. Do you recall the month?

4 A. Pardon?

5 Q. Do you recall the month?

6 A. No, I don't.

7 Q. Do you have any documents that would show the
8 month?

9 A. I believe so. I believe so.

10 MR. WHEELER: The witness has just handed me
11 a card from his pocket.

12 Q. And can you tell me what this card that you have
13 just handed me is?

14 Why don't we --

15 A. That is a Deputy Health Director's card.

16 MR. WHEELER: Why don't we pass it around the
17 table? I don't see any reason to mark it.

18 THE WITNESS: That's a Deputy Health
19 Director's card. When they --

20 MR. WARREN: If I could just read it for the
21 record.

22 THE WITNESS: When they swore me in -- When
23 they swore me in in the Clerk of the Superior Court's
24 office, Ray Elingburg's office, that's the card they gave
25 me as a Deputy Health Director --

1 Q. (By Mr. Wheeler) So they --

2 A. -- when they swore me in.

3 Q. So they gave you that card the day you were sworn
4 in; is that correct?

5 A. Yes, but that's after I had been with the Health
6 Department from '68, March of '68, until that date that's
7 on there.

8 MR. WARREN: Okay. The card reads, "This is
9 to certify that there is recorded in the Office of
10 Register of Deeds that William Tony Plemmons is an
11 authorized Deputy Health Director and Agent of the
12 Buncombe County Health -- Buncombe County Board of
13 Health," signed by the Director.

14 "Witness my hand and official seal, this 11th
15 day of September, 1969."

16 Q. (By Mr. Wheeler) When did you become a landfill
17 supervisor, Mr. Plemmons?

18 A. When I first went to work for the Buncombe County
19 Health Department.

20 Q. Okay. So that was in March of 1968; is that
21 correct?

22 A. Right. Mr. Brown put me in charge of the landfill
23 then, the day I went to work for him.

24 Q. Did you have any other titles while you worked for
25 the Environmental Health Department?

1 A. Yes, I did.

2 Q. What title was that?

3 A. Mr. Warren will read it to you.

4 Q. And you are -- This is another card that you
5 received?

6 A. Yes, yes. Mr. Warren will read it to you.

7 MR. WARREN: "State of North Carolina,
8 Buncombe County. This is to certify that there is
9 recorded in the Office of Register of Deeds that William
10 Tony Plemmons is an authorized waste control officer of
11 Buncombe County," signed by the Director of Buncombe
12 County Department of Community Improvement.

13 "Witness my hand and official seal, this 10th
14 day of July, 1973." Notary Public's signature.

15 Q. (By Mr. Wheeler) Did you receive that card on the
16 day that you became a waste control officer?

17 A. I can't say. I -- I -- I can't answer that.

18 Q. Okay.

19 A. I -- I just -- I just know that they -- that

20 (b) (6) -- (b) (6) brought me this card out and
21 said, "You are now an official waste control officer."

22 Q. Okay. I would like to go now to when you first
23 started with the Environmental Health Department. And you
24 were initially a landfill supervisor; is that correct?

25 A. That's right.

1 Q. What landfill or landfills were you a supervisor
2 at?

3 A. In the Swannanoa Valley.

4 Q. Where in the Swannanoa Valley?

5 A. Well, the first one was in Walnut Cove and Buckeye
6 Cove section.

7 Q. How did you call that landfill? Did you call it
8 Walnut Cove or Buckeye Cove?

9 A. Walnut Cove.

10 Q. You called it Walnut Cove?

11 A. Yeah.

12 Q. Okay. At that time were you in charge of any other
13 landfills?

14 A. No.

15 Q. Okay. So in May of -- I am sorry. In March of
16 1968 you were in charge of one landfill; is that correct?

17 A. Right.

18 Q. Where was or is the Walnut Cove landfill?

19 A. In the Buckeye Cove section.

20 Q. If I were driving out Interstate 40 how would I get
21 there today?

22 A. You would turn off to go in the Buckeye Cove
23 section.

24 Q. Is there a road that goes up there?

25 A. Yes.

1 Q. Do you know the name of the road?

2 A. Buckeye Cove Road.

3 Q. Okay. And so -- And you would follow Buckeye Cove
4 Road?

5 A. Right.

6 Q. How far would you go?

7 A. Approximately a mile and a half after you leave
8 the U. S. 70 Highway.

9 Q. How big was the Walnut Cove landfill, roughly?

10 A. Oh, I would say it was 200 feet long and 100 feet
11 wide, approximately.

12 Q. Was it that size when you started there in 1968?

13 A. Yes. It was the same size.

14 Q. And was it the same size when you left there?

15 A. Yes.

16 Q. When you started in March of 1968 what did the
17 landfill look like?

18 A. It was in terrible shape when I got there.

19 Q. Was it operating?

20 A. There was no operator there.

21 Q. No, but was the landfill, itself, in operation?

22 A. Well, there was garbage being dumped on it, but
23 there was no operator there.

24 Q. Okay. How did the landfill look? In other words,
25 was it dirt, or did it have trenches? In other words, how

1 was it put together?

2 A. No, no. It was just garbage. It was just garbage
3 piled all on it, just garbage and debris of all kinds
4 piled all on it, when Mr. Brown took me out there and told
5 me what he wanted me to do.

6 Q. What did Mr. Brown tell you he wanted you to do?

7 A. He wanted me to run the dozer. That's all they had
8 then, was a dozer. He says, "You run the dozer." He
9 said, "I want this stuff all spread out and packed down,"
10 and he said, "Every week or maybe every two weeks," he
11 said, "I will have (b) (6) from Weaverville, which we
12 have got hired, to come out here with a loader and carry
13 dirt out of the banks and cover it."

14 But he said, "You keep it spread out and
15 packed down until he gets here," so that's what I did.
16 And all the time I was there a'doing that I was into this
17 stuff that Northrop Carolina was a'dumping in there.

18 Q. Okay. We will get there in a minute. I just want
19 to know, though, did what you do change over the time that
20 you worked at the Walnut Cove landfill?

21 A. You -- You are going to have to repeat that, sir.
22 I didn't understand what you said.

23 Q. Oh. My question was, Mr. Brown laid out your
24 duties for you.

25 A. That's right.

1 Q. Did your duties change during the time that you
2 worked at the Walnut Cove landfill?

3 A. Yes.

4 Q. How did they change?

5 A. After I become a Deputy Health Director.

6 Q. In what way did your duties change after you became
7 a Deputy Health Director?

8 A. He -- He -- He put me in complete charge of the
9 landfill, and then after they bought the loader, then he
10 give me my instructions of what I had to do, is to keep
11 the landfill in shape and covered and packed and the dikes
12 built up on the landfill, and that I was in complete
13 charge to tell people what they could put in the landfill,
14 what they couldn't put in the landfill, and to tell people
15 to not -- If I seen fit for them not to pick up something
16 out of the landfill, to leave them -- tell them to stay
17 out of the landfill.

18 Q. Now, before you were given that duty by Mr. Brown
19 who had the authority to tell people what they could and
20 couldn't --

21 A. Mr. Brown.

22 Q. Okay. Did he ever exercise that authority?

23 A. Yes, he did.

24 Q. How did he exercise that authority?

25 A. Brought a sign out there and put it on the gate,

1 right beside of the gate.

2 Q. What did the sign say?

3 A. It said "ABSOLUTELY NO SCAVENGING" signed by the
4 Buncombe County Health Department.

5 Q. Did Mr. Brown have any restrictions on what could
6 be dumped at that landfill?

7 A. Yes, he did, and he put the signs up at the gate.

8 Q. What did those signs say?

9 A. "NO LIMBS. NO JUNK CARS. NO DEAD ANIMALS." And
10 as far as I can remember, that's all I can remember right
11 at the present.

12 Q. Were -- To your knowledge, were there any other
13 restrictions on what could be dumped at the landfill other
14 than what the sign said?

15 A. No.

16 Q. After you were given the duty of telling people
17 what they could and could not dump in the landfill did you
18 change the restrictions on what could be dumped there in
19 any fashion?

20 A. Yeah. When people brought stuff in that I knew
21 that I couldn't compact, that couldn't be mashed up and
22 compact, I would tell them that they couldn't put it in
23 there.

24 Q. Anything else that you -- in the way of
25 restrictions that you told people they couldn't bring

1 things in?

2 A. No, not that I can remember right offhand.

3 Q. Was there any fee charged for using the landfill?

4 A. No, sir.

5 Q. Were there any records kept of what was dumped at
6 the landfill?

7 A. Not at that time.

8 Q. At some point in time -- Strike that.

9 Were records ever kept at Walnut Cove of what
10 was dumped?

11 A. No.

12 Q. Later on at other landfills were records kept of
13 what was dumped?

14 A. Yes, sir.

15 Q. When did that start?

16 A. That started up in -- on (b) (6) property up
17 in Swannanoa Heights, at the Swannanoa Heights landfill.
18 That's when they first started that.

19 Q. When was that landfill -- Strike that.

20 When did you work at that landfill?

21 A. Where did I work?

22 Q. No. When did you work at the Swannanoa Heights
23 landfill?

24 A. Oh. I believe that was '72 or '73.

25 Q. Okay. Is there any way to relate it to some other

1 event?

2 A. Pardon?

3 Q. Is there -- Was that before or after you -- Strike
4 that.

5 Is there any way to relate that in your mind
6 to some other event in your life?

7 THE WITNESS: I don't understand what he is
8 talking about.

9 MR. WARREN: Counsel, if you could start him
10 and let him chronologically --

11 MR. WHEELER: Okay.

12 MR. WARREN: -- do that --

13 THE WITNESS: I don't understand what you are
14 talking about.

15 MR. WHEELER: All right. Why don't we just
16 leave it and we'll get there eventually.

17 Q. Okay. Let's go back to the Walnut Cove landfill;
18 okay? Let's do it chronologically. Let's start out with
19 Walnut Cove. Was that landfill eventually closed?

20 A. Yeah. We closed it out, yeah, when I finished it.

21 Q. When did you finish the landfill up?

22 A. I think it was, the best I can remember -- Let's
23 see. It was sometime in '71 or maybe early '72, the best
24 I can remember. Then we moved from there up one mile east
25 of Swannanoa on the right.

1 Q. And that was another County landfill that you moved
2 to?

3 A. Yes.

4 Q. Did you open -- Did you open up that landfill?

5 A. Yes. I opened it up.

6 Q. Did that landfill have a common name, the one that
7 you moved to?

8 A. It was the U. S. 70 landfill.

9 Q. Okay. Now, I would still like to stick with the
10 Walnut Cove landfill. How did you go about closing the
11 landfill?

12 A. Well, after I got it filled up and our contract was
13 about run out, well, I had it -- I had it filled up almost
14 to capacity, and I put the dirt on it that I was supposed
15 to put on it.

16 Then we hired another gentleman, whose name
17 was (b) (6), to run the dozer. We had a dozer over
18 there, and he run the dozer, and Mr. Brown sent him over
19 there to complete putting the last four feet of dirt on
20 top of the landfill and covering it and finishing it.

21 Q. Okay. So you covered the landfill, finally, or the
22 County did, with four feet of dirt; is that correct?

23 A. Yeah, that's right.

24 Q. Were -- Was grass then planted on top of the dirt?

25 A. Yes, yeah. I can't remember the name of the stuff

1 that they always put on their landfills. Rye, I believe,
2 maybe -- No, I ain't saying that, because I don't know for
3 sure.

4 Q. In any event, it is covered with some kind of plant
5 life?

6 A. Yeah, planted. It was planted after the dirt went
7 on it. After the completion of the dirt went on top of
8 it, then it was planted with some sort of grass of some
9 kind. I can't remember what the name of it was.

5
10 Q. Okay. Now, I would like to go back. I believe you
11 mentioned at some point at Walnut Cove you got a loader of
12 some kind; is that correct?

13 A. Yeah. We bought a -- The County bought a loader
14 and brought it out there to me, yeah.

15 Q. Okay. I am not familiar with what a loader is,
16 other than heavy equipment.

17 A. That's a'different from a dozer. A dozer has only
18 got a blade on front, and a loader has got a bucket.

19 Q. What did you use the loader to do at the landfill?

20 A. Well, after we bought the loader -- After we bought
21 the loader --

22 See, it had a four-in-one bucket on it, which
23 I know you don't know what I am talking about.

24 Q. Good guess.

25 A. But you make a dozer out of it, or a loader, either

1 one, and I used it. I used it to carry dirt with. I used
2 it to spread the trash with, turn the bucket down, turn
3 the teeth down in the trash, spread the trash, pack it
4 down, go and haul the dirt, spread it over the trash,
5 cover it up, make sure it was covered with at least from
6 two to four inches of dirt every night before I left it.

7 Q. After the County bought the loader did the County
8 require additional services from the Anderson --

9 A. No.

10 Q. -- Company?

11 A. No.

12 Q. So that the loader essentially replaced the
13 Anderson operation?

14 A. That's right.

15 Q. Did the -- Did you need the bulldozer any further
16 after the loader was bought?

17 A. Well, I didn't necessarily need it, but I used it a
18 lot --

19 Q. You still kept it around?

20 A. -- to dip the trench with. I used it a whole lot
21 until we sold it.

22 Q. Did you use it throughout the time that you were
23 working at Walnut Cove?

24 A. I used it when I first went there because that's
25 all we had to use.

1 Q. But did you continue using it as long as you were
2 at Walnut Cove?

3 A. For quite a while. Until they sold it I kept using
4 it.

5 Q. Do you -- Strike that.

6 When did the County buy the loader?

7 A. I believe it was sometime in '61, the best I
8 remember it.

9 Q. I'm sorry. What year?

10 A. The best I remember, it must have been '71. What
11 did I say? '61?

12 Q. Yes, sir.

13 A. I'm sorry. It was -- I think it was in --

14 Q. Was it before or after you became a Deputy Health
15 Director?

16 A. I was a Deputy Health Director when we got the
17 loader.

18 Q. So it was at least after September of '69; is that
19 correct?

20 A. Yes. It was sometime after -- I believe it was
21 sometime in '70 or '71 when they bought that new loader
22 and brought it up there to me.

23 Q. Did you take the loader with you to the landfill on
24 U. S. 70?

25 A. Yes, I did.

1 Q. Did you take the bulldozer with you to the
2 landfill?

3 A. No. We had already sold it -- Not we, not we sold
4 it. The Buncombe County Health Department sold it. I
5 didn't have anything to do with selling it.

6 Q. The purpose of the landfill was to dispose of
7 trash, is that correct, waste materials?

8 A. Yes.

9 Q. Okay. Did Northrop Carolina, Inc., ever make any
10 deliveries to the Walnut Cove landfill?

11 A. All the time I was there.

12 Q. How do you know that?

13 A. Because their name was on the side of the truck.

14 Q. What sort of truck was it?

15 A. It was a big blue Chevrolet.

16 Q. Was it a flatbed truck?

17 A. It was a -- a stake body truck, a two-ton
18 Chevrolet, stake body truck, and (b) (6) drove
19 it.

20 Q. And the truck had "Northrop Carolina, Inc." painted
21 on the door; is that correct?

22 A. On the door side, that's right.

23 Q. Okay. Did anyone besides (b) (6) ever drive
24 the truck?

25 A. Pardon me now?

1 Q. Did anyone besides (b) (6) ever drive the
2 truck?

3 A. Yeah, after he quit Northrop Carolina.

4 Q. How about while he was still working at Northrop
5 Carolina?

6 A. I never saw nobody else drive that same truck.

7 Q. Did anyone come with (b) (6)?

8 A. I -- No. There never was nobody with (b) (6).
9 There was a black guy that came in occasionally with some
10 stuff on another truck, but it was always just pieces of
11 lumber, debris of first one kind and then the other. It
12 never was the same kind of stuff (b) (6) brought in.
13 Q. Did the truck this black man drove have "Northrop
14 Carolina" painted on the side?

15 A. I am not going to answer that because I am not
16 sure.

17 Q. How do you know the black man came from Northrop
18 Carolina?

19 A. Well, because (b) (6) told me. He said that
20 was -- When I asked him one day, he said, "That's another
21 one of our trucks from Northrop Carolina."

22 Q. What was the name of the black man?

23 A. I don't have the least idea.

24 Q. Did you ever know?

25 A. No. I just saw him occasionally. He didn't come

1 in regular. Just occasionally he would come over with a
2 load of, like I said, just pieces of lumber, sometimes a
3 whole truckload of lumber and debris, limbs, little brush
4 and stuff like that. He didn't haul the same kind of
5 stuff that (b) (6) hauled.

6 Q. Was Northrop already making deliveries at the time
7 you started at Walnut Cove?

8 A. Yes, they was.

9 Q. How do you know that?

10 A. Because I got into it the first day I went to work
11 there.

12 Q. You got into what?

13 A. The stuff that was burning me, stinging me and
14 causing my eyes to water. And (b) (6) was there every
15 day, from two to three times every day.

16 Q. Was that five days a week?

17 A. Five-and-a-half days a week.

18 Q. Did (b) (6) come in on the weekends?

19 A. No.

20 Q. Just Monday through Friday he would make
21 deliveries?

22 A. Monday through Friday, that's right.

23 Q. And it was two to three times a day?

24 A. Yeah, two and three times a day he would come in.
25 He was always the first man on the job there of a morning

1 when I got there at 7 o'clock, and he always come in
2 around 7:30, not later than 8 o'clock with his first load.

3 Q. Did you have a regular schedule you worked out at
4 the landfill in Walnut Cove?

5 A. No, sir, I didn't.

6 Q. What were your usual hours, if you had any?

7 A. Supposed to have been from 9:00 to 5:00.

8 Q. Yes, sir.

9 A. But I was always there at 7 o'clock of a morning.
10 Sometimes I left there at 8 and 9 o'clock at night.
11 Sometimes I stayed there until 2 o'clock in the morning
12 putting out fires.

13 Q. Was that a common occurrence?

14 A. And I didn't get paid for it.

15 Q. Yes, sir. You were paid for 9:00 to 5:00; is that
16 correct?

17 A. That's right.

18 Q. Now, what sort of materials did (b) (6) bring
19 to the Walnut Cove landfill to dump?

20 A. Well, he always had -- Sometimes it was square
21 pasteboard -- square wooden boxes. Sometimes -- and all
22 mixed in with it old rubber-looking boots, old rubber-
23 looking hats and coveralls, all kind of them little old
24 masks like they wear, like they was wearing up there at
25 Northrop Carolina, and them big old long rubber gloves and

1 them big old yellow plastic bags and just big -- big bags
2 full of trash.

3 Q. The kind of plastic trash bag you could buy in a
4 grocery store?

5 A. Yeah, just regular big old yellow plastic bags.

6 Q. Okay. Now, these masks, are these the kind of
7 masks you see like in hospitals that doctors wear?

8 A. No, no.

9 Q. Can you give me -- tell me what the masks looked
10 like?

11 A. They were blue. They were blue, and they fit
12 across their nose and down around their mouth down here.

13 Q. Did they have a rubber band around the back of some
14 kind?

15 A. I don't know. They must have had something on
16 there to hold it on their face, though.

17 Q. I think that is a fair assumption.

18 Did (b) (6) ever bring any containers,
19 boxes, barrels, anything like that?

20 A. Yes, yes.

21 Q. What -- What kind of containers did he bring?

22 A. Five-gallon buckets, lots of five-gallon buckets,
23 black five-gallon buckets, lots of them, lots of wooden
24 boxes.

25 Q. Now, with respect to these buckets, did the buckets

1 have lids on them, these black five-gallon buckets?

2 A. There were lids in the truck, but they wasn't on
3 the buckets.

4 Q. Was there anything in the buckets?

5 A. No.

6 Q. They were just empty?

7 A. They were just empty.

8 Q. Were they steel buckets? Do you know what material
9 they were made of?

10 A. Yeah. They were metal buckets.

11 Q. Any other kinds of containers that you can remember
12 that (b) (6) brought?

13 A. Any other kind of materials?

14 Q. Any -- Yeah. In other words, you have run through
15 a long list now of things that you saw him bring in, and
16 you've -- that includes clothing, pasteboard, containers,
17 boxes, buckets.

18 Anything else you can think of in the way of
19 general kinds of -- and trash in general? Anything else
20 that sticks out in your mind that he brought in with him?

21 A. Yeah. I can definitely remember something he
22 brought in.

23 Q. And what was that?

24 A. About -- Between 7:30 and maybe close to 8 o'clock
25 I was up on the landfill trenching, and I had a ramp off

1 of the edge of the road then. I had to build a ramp off
2 where people could back out on the ramp and dump the trash
3 down in to the landfill.

4 Q. Uh-huh.

5 A. Well, that morning (b) (6) come in. That was
6 his first load, and I was up on the landfill a'trenching.
7 And he got out of his truck and come back to the back of
8 the truck, throwed up his hand at me and motioned, and I
9 just throwed my hand up at him like that, and he went
10 ahead and dumped his load off in the hole.

11 And when he left I went down -- took my
12 loader and went down like I always did with anybody else
13 that dumped a load of stuff. I went down and was
14 spreading the stuff out, was going to pack it down, just
15 like I always did, and cover it up.

16 And I turned my loader bucket down, spreading
17 the stuff out, going to pack it down, and run through
18 three bags of tear gas material, CS, they call it --

19 Q. Okay. Now --

20 A. -- and ripped the bags open, and when my -- when my
21 fan hit it and my stack on my loader, blowed it all back,
22 stuck it all back through the floorboard on me --

23 Q. Okay. So you think there were some bags of CS or
24 tear gas; is that correct?

25 A. I don't think there was, sir. I saw them, myself.

1 Q. You saw the bags?

2 A. Yes, I saw them, and (b) (6) was the one that
3 had to pick them up --

4 Q. Okay.

5 A. -- because I wouldn't go down there.

6 Q. What sort of bags were they?

7 A. They was bags about that long, looked like feed
8 bags, paper bags.

9 Q. About three feet long?

10 A. Probably.

11 MR. WARREN: Maybe more than that.

12 Q. (By Mr. Wheeler) Four feet, something like that?

13 A. Yeah, probably.

14 Q. Okay. How wide were they?

15 A. Oh, probably that wide [indicating].

16 Q. They were like feed bags; okay?

17 A. Yeah, something like a feed bag --

18 Q. And --

19 A. -- but they were paper bags.

20 Q. What color was the paper?

21 A. Brown.

22 Q. Did you ever see bags like that on any other
23 occasion that (b) (6) made a delivery to the Walnut
24 Cove landfill?

25 A. Yes, yes, but there was nothing in them.

1 Q. How do you know there was nothing in them?

2 A. There wasn't nothing like that in them. I got into
3 a lot of stuff, but they wasn't nothing like that.

4 Q. Okay. So the reason you don't think there was
5 anything in them is because the same sort of accident
6 didn't occur?

7 A. That's right.

8 Q. Okay.

9 A. That's right.

10 Q. Now --

11 A. They was something -- They was something in just
12 about every load he brought that always caused me to sting
13 and feel hot, and a lot of times it made my eyes water. A
14 lot of times I'd pull my loader back away from it and get
15 off and go up to my truck and wash my face in water.

16 Q. Okay. Now, how do you know that it was what
17 (b) (6) brought with him that caused you to have the
18 stinging?

19 A. Because he was the only one there that morning. He
20 was the first one there that morning. There wasn't
21 nothing else being dumped.

22 Q. Okay. On that morning I understand, but on other
23 days -- that is, you said you had that stinging sensation
24 on other days. How did you know that it was what he was
25 bringing that was causing the stinging?

1 A. He was the only one that was driving the truck, the
2 Northrop Carolina truck.

3 Q. Okay. No one else made any deliveries that could
4 have caused it --

5 A. No, no.

6 Q. -- is that correct?

7 A. Not over there, no, no.

8 Q. Okay. So in your mind you were clear that it was
9 something that Northrop Carolina was bringing in that was
10 causing the stinging; is that correct?

11 A. I knew it was.

12 Q. When you ran into the big bags did you have the
13 same kind of stinging sensation --

14 A. Yeah.

15 Q. -- that you had experienced on other days?

16 A. Yeah, only except it smothered me to death and
17 blinded me.

18 Q. So it was just a lot worse, but it was the same
19 kind of sensation?

20 A. Yeah.

21 Q. Okay.

22 A. And it blinded me and smothered me. I couldn't get
23 no breath. I was just getting a little breath, just a
24 little. And I jumped off my loader, throwed my loader out
25 of -- out of gear, throwed the smothering on it and jumped

1 out in the trash pile, and I crawled through the trash
2 pile up the bank to my truck.

3 Q. What did you do then?

4 A. I had a five-gallon water can on my truck that I
5 kept on my truck all the time.

6 Q. Was that a drinking water can?

7 A. Yeah, a drinking water can -- or whatever I wanted
8 to use it for, when I wanted to eat my lunch, wash my
9 hands or whatever.

10 Q. There was no running water at the landfill; is that
11 correct?

12 A. There was a -- There is a branch right in -- right
13 below it, but I didn't go down there.

14 Q. No, but you didn't have any like a faucet or
15 anything like that at the landfill?

16 A. Yeah. I had a spigot on my -- on my water can, and
17 I went up there. I knowed right where my truck was
18 setting, right where I always parked it on a little ledge
19 right off the edge of the road so all the traffic and
20 everything could get up and down the road.

21 Q. And did you wash yourself off?

22 A. I washed myself off. I lost my cap in the
23 landfill, lost my glasses, and when I finally got to my
24 truck I turned -- reached down and turned my spigot on,
25 started washing my head, my face, all over, and

1 throwing -- opened my eyes and throwed water in my eyes
2 and washed my eyes out, finally got to where I could see.

3 Then I got in my truck and went to my house,
4 which was about a mile, maybe a mile and a quarter, from
5 the landfill.

6 Q. What did you do when you got to your house?

7 A. Called Mr. Robert W. Brown.

8 Q. And he was your supervisor; correct?

9 A. He is the County -- He was the County
10 superintendent.

11 Q. He was the man who hired you for the landfill --

12 A. That's right.

13 Q. -- is that correct?

14 A. That's right.

15 Q. What did you tell Mr. Brown?

16 A. I told him what I had got into. I said, "I got
17 into something over there that's just about killed me." I
18 said, "I am burning up all over," and I said, "I can't
19 hardly see." I said, "I can't get no breath, hardly."

20 Q. Did you tell him where the material came from?

21 A. I said it come from Northrop Carolina.

22 Q. What did Mr. Brown say to you?

23 A. He said, "You go on back to the landfill." He
24 said, "Can you make it back over there?"

25 I said, "Yes, sir, I can make it back over

1 there."

2 He said, "You go on back to the landfill,"
3 and he said, "I'll see about this right now."

4 Well, when I got back over there, there was
5 between three to five executive Northrop Carolina cars
6 lined up on the side of the road.

7 Q. Okay. Let's back up for one minute now.

8 After you talked to Mr. Brown did you call
9 anyone else?

10 A. No.

11 Q. Okay. You got back in your truck and drove back
12 over?

13 A. Right, went back to the landfill.

14 Q. Okay. When you got there, there were three to five
15 cars; is that correct?

16 A. That's right.

17 Q. Now, you described them as Northrop Carolina
18 executive cars.

19 A. That's right.

20 Q. How did you know that?

21 A. I know that, because I know -- I knew that

22 (b) (6) was there and I knew him.

23 Q. Do you know his full name?

24 A. (b) (6)

25 Q. And who was (b) (6)? What was his job?

1 A. He was a foreman of some kind over at Northrop
2 Carolina.

3 Q. And you knew him personally?

4 A. Yes, I did.

5 Q. And you knew he was a foreman at Northrop Carolina?

6 A. Yes, I did.

7 Q. Was he a friend of yours?

8 A. He was my brother's wife's nephew.

9 Q. Okay. So he was sort of a relative of yours in
10 some --

11 A. Not a relative of mine. A relative of my
12 brother's --

13 Q. Right.

14 A. -- and I knew him.

15 Q. Okay. Was there anyone else you knew that had come
16 out to the landfill?

17 A. (b) (6) [REDACTED], he came out. They brought him out.

18 Q. Now, was he in his truck?

19 A. He brought his truck. He brought his truck over
20 there.

21 Q. So his truck was parked there, too; is that
22 correct?

23 A. That's right. And also there was a (b) (6) boy that
24 drove -- worked for -- in the Fire Department at that
25 time, and he was there. He come with a fire truck;

1 because I wouldn't move the loader until he washed it
2 down.

3 Q. Now, was that the Northrop fire truck?

4 A. That's right.

5 Q. Was the fire truck there when you first got back to
6 the landfill?

7 A. No, no. It wasn't there until they called it.

8 Q. Okay. When they called it who called the fire
9 truck, do you know?

10 A. Some of the officials from Northrop Carolina called
11 them.

12 Q. Was there a telephone they could call from?

13 A. I don't know. They may have had one in their car.
14 I don't know.

15 Q. Okay. Now, when you first got back these cars were
16 already parked there; is that correct?

17 A. That's right. They were there when I came back
18 from my house and got back to the landfill, and Mr. Brown
19 was there, too.

20 Q. Okay. So Mr. Brown had driven out, also; is that
21 correct?

22 A. Yes, yes. He was there in his little Volkswagen.

23 Q. Okay. Was Mr. Brown talking to some people?

24 A. Yes. He was talking to all of them.

25 Q. Do you -- Strike that.

1 Did you hear what they were talking about?

2 A. No.

3 Q. Did you go over to see them?

4 A. I didn't -- I didn't -- I didn't bother in
5 Mr. Brown's business.

6 Q. Okay. So you let Mr. Brown handle the dealing with
7 the people that came; is that correct?

8 A. That's right.

9 Q. What did you do?

10 A. I was standing there on the road.

11 Q. You were waiting to be told to do something; is
12 that correct?

13 A. That's right. And Mr. Brown, he told me to go down
14 and move the loader. He said, "Back the loader up off
15 that stuff you run into so that (b) (6) can go down
16 there and move it"; said, "They want (b) (6) to go
17 down and move the stuff."

18 I said, "I ain't a'going down in that damned
19 stuff." I said, "If you want it moved," I said, "you go
20 move it or get somebody else." I said, (b) (6) can
21 move the loader."

22 I said, "He has got all them protective
23 clothes and everything on," and I said, "He is a good
24 operator." I said, "Let him go down there and back it up
25 or whatever he wants to do with it, because," I said, "I

1 am not getting on it until that damned stuff is washed off
2 of it."

3 Q. Now, you just -- a couple of things you just said.
4 You said (b) (6) had on protective clothing.

5 A. Yeah. He always wore these long gloves and
6 rubber-like boots.

7 Q. Anything else?

8 A. Coveralls.

9 Q. Did he have safety glasses?

10 A. Have what?

11 Q. Did he have glasses on, plastic glasses?

12 A. Well, I have seen him, yeah -- I have seen him wear
13 glasses.

14 Q. Okay. But not all the time?

15 A. Not all the time, no.

16 Q. Did he ever wear a mask of any kind?

17 A. Yes, he wore a mask all the time, every time he was
18 unloading his truck.

19 Q. And that --

20 A. He would put that little blue mask on his face.

21 Q. He put the mask on every time he unloaded the
22 truck --

23 A. Yeah.

24 Q. -- at the landfill --

25 A. Yeah.

1 Q. -- is that correct?

2 A. Yeah, yeah.

3 Q. How did he unload the truck?

4 A. It was a dump truck.

5 Q. So the rear just went up?

6 A. Yeah, yeah.

7 Q. Did he have --

8 A. Then he -- Then he would get in the truck and he --

9 he -- He would scrape it out with his foot or rake it out

10 with his broom.

11 Q. So he would clean out the back of the truck?

12 A. He would always clean out the back of the truck,

13 yeah.

14 Q. Okay. Now, you also said that (b) (6) knew how

15 to use the loader; is that correct?

16 A. Yes, he did.

17 Q. How did -- How do you know that? Had he used it on

18 some other occasion?

19 A. Yes, he had -- He told me that he used to be an

20 operator. He said, "I have operated loaders and dozers,

21 too."

22 Q. Did he tell you that before the day the accident

23 occurred?

24 A. Yes, yes, lots of times.

25 Q. Up to that day had he ever run the loader or the

1 dozer for you?

2 A. Yes, a few times.

3 Q. Okay.

4 A. Yeah, just five minutes at a time, maybe. He
5 just -- He said, "Let me" -- He said, "That's a brand-new
6 loader." He said, "Just let me run it just a little bit
7 just to keep in practice."

8 I said, "Well, get on it. Right there it
9 is," so he did.

10 Q. Now, it's clear to me that this accident occurred
11 after the County bought the loader, because it was the
12 loader that ran across --

13 A. That's right.

14 Q. -- ran over the stuff.

15 A. That's right. It was the loader that tore the bags
16 up.

17 Q. Was it a new -- Was it new? Was the loader new --

18 A. Practically new.

19 Q. -- at that time?

20 A. Practically new, yes.

21 Q. So it was just after the loader was bought or very
22 soon after the loader?

23 A. Yeah, very soon after the loader was bought.

24 Q. Okay. Now, you have told -- Strike that.

25 Up to the point that Mr. Brown asked you to

1 go down and move the loader did anyone go down into the
2 area of the landfill where you had run over the bags to
3 take a look to see what was down there?

4 A. Yes.

5 Q. Who went down there?

6 A. (b) (6)

7 Q. Now, did he -- When did you see him down there?

8 A. When he first went down there, when the bossman
9 told him to go down there.

10 Q. Okay. Up to that point did -- had anyone gone down
11 to see --

12 A. No.

13 Q. -- what was there?

14 A. No.

15 Q. Were people standing near the loader or far away
16 from it?

17 A. No. They was up on the road. They wasn't nobody
18 down there next to that loader --

19 Q. Okay.

20 A. -- because the stuff was so strong coming up --
21 even up in the road that they couldn't hardly stand it.

22 Q. Now, how do you know they couldn't stand it?

23 A. Well, because they was all wiping their eyes, and
24 they was getting back in their cars.

25 Q. Okay. These are the people who had come in the

1 cars, you believe, from Northrop; is that correct?

2 A. Sure. They was from Northrop. Sure, they were.

3 Q. Okay. You could see tears in their eyes?

4 A. Yes.

5 Q. And were their faces red?

6 A. I don't know whether it was or not, because I
7 couldn't see that well --

8 Q. Okay. But you do know --

9 A. -- because I was practically blind, myself.

10 Q. You do know their eyes were watering?

11 A. Yeah, I saw several of them, and I saw

12 (b) (6) [REDACTED], when they told him to go down there and
13 pick that stuff up.

14 Mr. Brown said, "You go down there, Tony, and
15 move the loader so that he can get that stuff out from
16 under it."

17 I said, "No. Hell, no." I said, "I ain't
18 going down there," and I didn't. I said, (b) (6) [REDACTED]" --
19 I said, "he" -- I said, "he can move it," and he moved it,
20 and he picked all the stuff up, hisself, and put it in
21 other bags.

22 Q. Okay. Now, (b) (6) [REDACTED] went down and moved the
23 loader --

24 A. Yeah.

25 Q. -- is that correct?

1 A. And picked up all the stuff and put it in other
2 bags.

3 Q. Did he have on protective clothing --

4 A. Yes.

5 Q. -- when he went down there?

6 A. Yes, he did.

7 Q. He had on gloves?

8 A. Yes.

9 Q. He had on coveralls?

10 A. Yes.

11 Q. Did he have on a mask?

12 A. Yes.

13 Q. Did he have on glasses, safety glasses?

14 A. I don't remember whether he had on glasses or not.

15 Q. And did he just back the loader up?

16 A. He just backed the loader up away from where the
17 stuff was at, and then they told him, I guess, to come up
18 there with some plastic bags and pick up all that stuff
19 and put it in the plastic bags, then yellow plastic bags.

20 That's what he did. He picked up the bags
21 that was bursted and put them down in them plastic bags,
22 carried them up there and laid them on the back of his
23 truck.

24 Q. Now, were these yellow plastic bags the same kind
25 of bags that you had seen (b) (6) delivering?

1 A. Yes.

2 Q. Okay. So they were just big trash bags?

3 A. Just big trash bags, yeah, just like the same ones
4 that he had brought over there lots of times.

5 Q. Could you see any -- Okay. Strike that.

6 Now, when (b) (6) went down to get
7 into -- or to pick up the bags, what did the bags look
8 like?

9 A. They was big long brown paper bags.

10 Q. And were they busted up?

11 A. Yeah, they was -- Yeah, they was ripped open, and
12 then white stuff, looked like flour, was laying all over
13 the landfill, around my loader and on my loader, down in
14 my seat, down my collar and up my britches' legs.

15 Q. Could you see some of the white powder on your
16 skin --

17 A. Yes.

18 Q. -- before you washed it off?

19 A. Right there. Part of it right there, and part of
20 it right there --

21 Q. Now, is that the part --

22 A. -- and part of it right here on my ears.

23 Q. Now, you are pointing to some places where you have
24 what appears to be some sort of white -- white area of
25 your skin.

1 A. Yes, yes.

2 Q. Do you know --

3 A. And right there, and all over my arms, places; all

4 down my collar, places --

5 Q. So you have --

6 A. -- where it come down my collar.

7 Q. So you have rashes and --

8 A. And this, that come on me after that.

9 Q. Okay. Now, those came -- You say those came on

10 afterwards?

11 A. Yes.

12 Q. When did they come on?

13 A. After.

14 Q. How soon after?

15 A. I don't know. I kept a'getting sicker and sicker

16 and sicker after that, and so did my wife --

17 Q. Uh-huh.

18 A. -- my first wife.

19 Q. Now, I would like to go back. You saw this white

20 powder down in the area around the bags.

21 A. Yes.

22 Q. Did you ever see white powder that looked like that

23 on any other load that (b) (6) brought in?

24 A. No, sir. No.

25 Q. That was the only time you ever saw white powder;

1 is that correct?

2 A. Yeah, that time.

3 Q. That one time; is that correct? In other words, my
4 question was, did you ever see that sort of white powder
5 on any other occasion on (b) (6) loads?

6 A. No.

7 Q. Okay. Now, after (b) (6) put the bags in the
8 yellow bags, put them on his truck, what happened next?

9 A. He left with it.

10 Q. Okay. Now, did you go back to work then?

11 A. Yes, after they washed my loader down. After they
12 called the Fire Department. They called their company and
13 had their fire truck to come over there and wash my loader
14 down. I told them, I said, "I ain't getting back on it
15 until you wash that stuff off of it."

16 Q. How long did it take the fire truck to get there?

17 A. Not very long. I can't say exactly, but not very
18 long. They were there in a few minutes.

19 Q. Okay. Did the --

20 A. They always came and helped. They always came and
21 helped me when I -- when I would have somebody to call
22 them, when the landfill would catch on fire. When the
23 landfill would just -- [gesturing] -- blew up and catch on
24 fire, I would always call them. They would send their
25 fire trucks over there, the Riceville Fire Department, the

1 Swannanoa Fire Department.

2 Q. Why did you call the Northrop Carolina Fire
3 Department when there was a fire? Was it a -- In other
4 words, did you have an understanding that they would come
5 and help out?

6 A. No. I always called the Swannanoa Fire Department.

7 Q. Okay.

8 A. But they would always get in touch with Northrop,
9 too --

10 Q. Uh-huh.

11 A. -- and then Riceville.

12 Q. Uh-huh.

13 A. And sometimes I had the Black Mountain Fire
14 Department up there, but the water they was putting on
15 there -- See, there was no fire plugs up in there. They
16 was just using their tank trucks, but the water they put
17 on it didn't put it out.

18 Q. Okay. So the Swannanoa Fire Department would call
19 Northrop --

20 A. Yeah.

21 Q. -- and ask them to bring their fire truck --

22 A. Yeah.

23 Q. -- over?

24 A. Yeah.

25 Q. Okay. Now, when the fire truck came the firemen

1 just hosed it down, hosed down your loader?

2 A. Yeah, Northrop Carolina's green fire truck came and
3 washed it all down, washed it all off real good.

4 Q. Where did the white powder on the loader go when
5 they washed it off?

6 A. It went into the landfill, I suppose.

7 Q. Okay.

8 A. I don't know no other place it could have went.

9 Q. All right.

10 A. It went down in the landfill, I suppose.

11 Q. Did you then cover over that area of the landfill
12 with dirt?

13 A. Yes, I did, after I -- after I packed the trash.

14 And another boy that was sitting there
15 waiting to get unloaded with a load of commercial trash, I
16 let him dump in there when they left. Then I spread his
17 trash out over the top of it, packed it down and covered
18 it up.

19 Q. And then you just went about your business for the
20 rest of the day; is that correct?

21 A. Yeah, went on with my work, yeah.

22 Q. Now, did you talk to Mr. Brown about what he had
23 talked to the people from Northrop about?

24 A. Yes.

25 Q. What did Mr. Brown tell you?

1 A. He said, "You tell them whatever you want to." He
2 said, "You are the landfill superintendent over there."
3 He said, "You" -- He said, "You call over there and tell
4 them whatever you want to."

5 Q. Did you later call the people at Northrop?

6 A. Yes, I did. I called (b) (6)

7 Q. Who is (b) (6)

8 A. I don't know.

9 Q. Do you remember his first name?

10 A. No, sir, I don't.

11 Q. How did you know to call (b) (6)

12 A. Because the fellow told me that was the man to call
13 to talk to.

14 Q. Now, who told you that?

15 A. A gentleman told me.

16 Q. That's (b) (6) ?

17 A. A gentleman.

18 Q. Oh, a gentleman told you. I'm sorry.

19 Do you know the man's name who told you to
20 call (b) (6) ?

21 A. A gentleman told me, he says, "You call (b) (6)
22 and tell him," and I did that.

23 Q. Okay. Now, how long after this accident did you
24 call (b) (6) ?

25 A. I called him that same evening.

1 Q. Okay. Did you talk -- Strike that.

2 Did you call the plant?

3 A. I called the plant, and I told them -- I told
4 them -- him -- I talked to him. He says, "You come over
5 to the -- to the guard gate, guard station." He said, "I
6 will have you some medicine there."

7 So when I went over there they gave me two
8 little tubes of salve.

9 Q. Did you say anything else in that first
10 conversation with (b) (6)?

11 A. I told him, I said, "Don't you never send nothing
12 else like that over here no more." I said, "You are
13 welcome to dump your garbage, trash over here in this
14 landfill," but I said, "Don't you ever send nothing over
15 here to hurt me no more."

16 Q. Did (b) (6) --

17 A. I said, "If you do," I says, "you ain't bringing
18 nothing else over here at all."

19 He said, "You can bet that I will see that
20 nothing else ever comes over there to hurt you."

21 But it kept coming. I mean, not none of them
22 bags of stuff now, but it was always -- I was always
23 getting into that same stuff, that burning sensation.

24 Q. Did you talk to (b) (6) about that burning
25 sensation that you had had before the accident?

1 A. Yes. That's why he -- that he told me that he
2 would give me some salve for it.

3 Q. Okay. But did you talk to him about the burning
4 that you felt other than that accident on that day?

5 A. Yes, yes.

6 Q. In other words, did you tell him that in the first
7 conversation --

8 A. Yes.

9 Q. -- you had with him?

10 A. Yes.

11 Q. And --

12 A. He said it wasn't nothing to hurt me. He said,
13 "It's just" -- He said, "That's just stuff that's been
14 around the stuff in the containers," but said, "You are
15 going to get the sensation out of it," but he said, "It's
16 not going to hurt you."

17 Q. (b) (6) told you it wasn't going to hurt you?

18 A. Yes, and Mr. Brown also told me. He said, "Well,"
19 he said, "Now, Tony," he said, "before you come here," he
20 said, "I come out once or twice a week sometimes." He
21 said, "I spread the trash and packed it down. He said, "I
22 got into the same stuff," but he said, "It ain't never
23 hurt me."

24 I said, "Well, do you know what it is?"

25 He said, "No." But he said, "It comes from

1 this plant up here on Bee Tree," but he said, "I ain't
2 never run into nothing that would hurt me," he said,
3 "but," he said, "I always feel that burning and feel a
4 real hot sensation."

5 But he said, "I don't reckon it will hurt
6 you." He said, "It ain't never hurt me."

7 God rest his soul, he is dead now.

8 Q. Now, after you talked to (b) (6) you went up to
9 the guard station; is that correct?

10 A. Yeah.

11 Q. You drove over there?

12 A. Yeah.

13 Q. Did the -- Who did you see there?

14 A. (b) (6)

15 Q. And was (b) (6) a guard?

16 A. Yes.

17 Q. Did he give you some salve?

18 A. Yes.

19 Q. Did you use the salve?

20 A. Yes.

21 Q. Did it work?

22 A. No more than some Vaseline that I used after that
23 run out. The Vaseline was just as good as the salve was.
24 But nothing helped my eyes. They didn't give me nothing
25 for my eyes.

1 Q. Did you look in a mirror after the accident?

2 A. Yes.

3 Q. What did your eyes look like?

4 A. Looked like two pieces of liver laying back in my
5 sockets.

6 Q. Did that clear up after a while?

7 A. After I put a lot of over-the-counter medicine that
8 I bought, such as Murine and a lot of other eye drops that
9 I -- my wife kept putting in my eyes for me.

10 Q. How long did it take for the redness to clear up?

11 A. About a month.

12 Q. Now, after you went up and got the salve did you
13 talk to anyone else at the Northrop plant on that visit?

14 A. No.

15 Q. You just went home?

16 A. I just come on back home.

17 Q. Did you have any other conversations with (b) (6)
18 about the accident other than the one you have just told
19 me about?

20 A. Yes.

21 Q. Can you tell me --

22 A. Several times I called him.

23 Q. Okay. Can you tell me --

24 A. I called him -- I called him and told him I had
25 lost my glasses after that. I said, (b) (6) I said,

1 "I lost my glasses in the landfill when I had to jump off
2 the loader," and I said, "I couldn't find them." I said,
3 "Evidently they are buried or broke all to pieces or
4 whatever."

5 He said, "Don't worry about it." He said,
6 "Where did you buy them?"

7 I told him, "Dr. Roberts-- Manual Robertson
8 on Merrimon Avenue."

9 He said, "You go right back to him," and he
10 said, "You tell him to make you another pair of glasses,"
11 and he said, "Send us the bill."

12 Q. Did you do that?

13 A. I did it.

14 Q. Okay.

15 A. I went and got them.

16 Q. And do you know for a fact that the doctor sent
17 Northrop the bill?

18 A. Yes.

19 Q. How do you know that?

20 A. Because Dr. Robertson called them. Manual
21 Robertson, he called them while I was standing right
22 there.

23 Q. And he told you that Northrop had said it was okay
24 to send them the bill?

25 A. Right.

1 Q. Now, other than getting the glasses, did you talk
2 about anything else with (b) (6) on those later calls?

3 A. Yeah. I talked to him about a lot of things,
4 several times.

5 Q. Can you tell me what you talked with him about?

6 A. I talked to him about being -- making sure that he
7 didn't send no more of that stuff in there to hurt me.

8 Q. Now, what was the occasion of your talking to him
9 about the stuff that was hurting you on a later occasion?

10 A. Because the stuff kept coming in. Stuff kept
11 coming in on the truck, and I would get (b) (6) --

12 When I would see all them old rubber
13 clothings and all that stuff and them plastic bags, I'd
14 say, (b) (6), you got on all them good clothes and
15 everything. Take the loader and spread that out for me,"
16 and I said, "I will cover it."

17 He said, "All right." It would take him
18 about five minutes. He would get on the loader and spread
19 it out for me.

20 Q. Now, was that done on a daily basis by (b) (6)?

21 A. No.

22 Q. When -- When did you -- Strike that. When --

23 On what occasions did you ask (b) (6) to
24 spread --

25 A. When I see that he had something on there that I

1 knowed was contaminated with that stuff.

2 Q. How did you know it was contaminated?

3 A. Well, it was them old rubber clothing, rubber boots
4 and old hats and old coveralls and them old yellow plastic
5 bags.

6 Q. Did you ever get a stinging sensation when he --
7 when (b) (6) would bring a load in?

8 A. Yeah.

9 Q. And this was after the accident?

10 A. Yes.

11 Q. When you got a stinging sensation did you ask
12 (b) (6) to use the loader to cover up the load?

13 A. No, not to cover it up, no. I asked him, when he
14 would dump it and I seen what he was dumping, and I could
15 feel a sensation back from where I was standing, I would
16 ask him to -- to spread it out for me.

17 Q. Okay. So it was only when you felt the sensation
18 from a load --

19 A. Yes.

20 Q. -- he brought in that --

21 A. And when I seen what he brought in.

22 Q. -- that you asked him to spread the materials?

23 A. Right.

24 Q. How often did that happen? Once a week? Once a
25 month?

1 A. Sometimes a couple of times a week.

2 Q. And that continued as long as (b) (6) was
3 working for Northrop?

4 A. Yeah, right on till -- till he left, and I was up
5 there on U. S. 70 then.

6 Q. Now, even when (b) (6) would be spreading
7 materials for you, during that time did you talk to
8 (b) (6) about what was being dumped?

9 A. Yeah, I asked him several times, and he said,
10 "Well," he said, "there is nothing coming in there to hurt
11 you." He said, "It's just stuff that's been around" --

12 Q. Uh-huh.

13 A. -- "the material that has been around the stuff
14 that we are a'making up here." And he said, "It's not
15 going to hurt you." He said, "It may sting you a little
16 or give you a hot sensation, feeling," but said, "It's not
17 going to hurt you."

18 He said, "I am going to make sure that there
19 is no more of that stuff, no more of them bags comes in
20 there, of that stuff that you got into."

21 Q. So he promised there wouldn't be any more bags?

22 A. That's right.

23 Q. Okay. But he didn't promise there wouldn't -- you
24 wouldn't ever feel the stinging sensation?

25 A. That's right. He didn't promise me that, no. If

1 he would have promised me that, he would have told a lie.

2 Q. Did he ever tell you what the material was?

3 A. No.

4 Q. Did anyone ever -- Strike that.

5 How do you know that it was CS?

6 A. Because (b) (6) told me. I asked him what it
7 was. I didn't know what it was. And he said, "You mean
8 you don't know what they make up there?"

9 I said, "No. I don't have the least idea."
10 I said, "What was that stuff that I got into?"

11 He said, "Tear gas material." He said, "They
12 call it CS."

13 Q. Now, he told you this after the accident; is that
14 correct?

15 A. Yes, yes.

16 Q. You asked him what it was you had gotten into?

17 A. Yes, yes.

18 Q. How long after the accident did you ask him?

19 A. The next day or two after that.

20 Q. And he told you tear gas?

21 A. Yeah. I asked him, I said -- I said -- I said,
22 "What was that stuff that I got into? What was that old
23 flour-looking stuff?"

24 He said, "Well, don't you know what it is?"

25 I said, "No." I said, "I have never heard

1 no tell of what they make up there."

2 He said, "That's tear gas material." He
3 said, "They call it CS."

4 I said, "Well" -- I said, "Well, I got into
5 that in the Army in World War II, but," I said, "not that
6 bad."

7 He said, "Well, that stuff will kill you."

8 Q. Now, when you were in the Army in World War II you
9 say you were exposed to tear gas?

10 A. Yeah. They made us run through tear gas areas all
11 the time when we was taking our training.

12 Q. That was part of basic training?

13 A. Yeah.

14 Q. Did you have that same sort of stinging --

15 A. Yeah.

16 Q. -- sensation then?

17 A. Yeah, yeah. And that smell, too.

18 Q. So --

19 A. But they wouldn't let us get into it that bad,
20 because they made us throw our mask on, because when they
21 hollered "gas," we had to throw our mask on, but we could
22 feel it.

23 Q. Now, apart from the skin problems that you have
24 shown me that seem to have come from the accident, were
25 there any other physical effects of the accident on you?

1 And the eyes, the problem with your eyes?

2 A. I can't see out of my right eye. I have got no
3 vision in it.

4 Q. When did that start?

5 A. You know, everything that has happened to me
6 started after I left the landfills.

7 Q. Okay. But do you remember when that first started
8 with your right eye?

9 A. After I left the landfills, after I went to the
10 V. A. Hospital and stayed seven months.

11 And I can't hear out of my right ear, and
12 they told me over there --

13 MR. WHEELER: I think we have been going for
14 a while. Why don't we take a break here for a few
15 minutes, about 10 minutes?

16 (Recess.)

17 MR. WHEELER: This is for once when I would
18 like to have the last question read just so I can get it
19 back in my mind where I was.

20 (The record was read by the reporter.)

21 THE WITNESS: -- that my right ear --

22 MR. WHEELER: Let's -- Are we back on the
23 record yet?

24 Q. Okay. Go ahead, sir.

25 A. They examined my ears. They examined my eyes

1 first, and I have got no vision in my right eye, and they
2 wouldn't give me glasses because I am not service-
3 connected, but they did give me a prescription.

4 I went and bought my glasses, myself, and
5 then I went back to see if I could get them to do
6 something for my ears. They examined my ears. I went to
7 the ear doctor -- ear, nose and throat doctor, and when he
8 got through examining my ears he told me and my wife
9 that --

10 MR. WARREN: Just take it easy.

11 THE WITNESS: -- that my right ear had been
12 damaged so bad that there wasn't nothing could be done
13 about it. He said, "Maybe a hearing aid might help your
14 left ear a little, but," he said, "nothing is going to
15 help your right ear."

16 Q. (By Mr. Wheeler) Did the doctor -- Strike that.

17 Did the doctor tell you whether he could
18 figure out what it was that was causing the trouble with
19 your ear?

20 A. No, no.

21 Q. Okay. He could not?

22 A. No.

23 Q. Now, apart from the various problems that you have
24 described, are there any additional problems that --

25 A. Yes.

1 Q. -- you believe arose out of that accident?

2 A. Yes. I have got -- I have accumulated [sic]
3 chronic bronchitis and a breathing -- a bad breathing
4 problem, coughing. I have to take breathing medicine all
5 the time, nerve pills, and I have got Parkinson --
6 Parkinson's disease.

7 Q. Have you had any other skin problems?

8 A. Only what I have had since I left the landfills.

9 Q. Are there any other kinds of physical results of
10 that accident?

11 A. Well, it took all the hair off my legs and
12 everything.

13 MR. WARREN: Could --

14 Q. (By Mr. Wheeler) Okay. Now, you say that you --
15 it took all the hair off your legs.

16 I would actually -- He actually doesn't have
17 any hair on his legs and I think it would be -- I would
18 like to have the video camera just take a look at his
19 legs --

20 MR. WARREN: Stand over here.

21 MR. WHEELER: -- from his socks to his knees.
22 It may not show up.

23 MR. WARREN: Do you need your stick?

24 THE WITNESS: I don't need my stick on this
25 soft stuff.

1 (Witness goes near video camera.)

2 MR. WARREN: That's good enough. Okay.

3 Can you get that? All right.

4 MR. COLVIG: Thank you, Mr. Plemmons.

5 Q. (By Mr. Wheeler) Mr. Plemmons, prior to the
6 accident did you have hair on your legs?

7 A. Oh, yes, plenty of them.

8 Q. Did the hair fall out after the accident?

9 A. Yes, sir. It just kept -- The first thing I knew
10 they was all gone.

11 Q. That means that it happened very quickly after the
12 accident; is that correct?

13 A. It wasn't too long, and I had plenty of hair, come
14 all the way down almost across -- right above my eye
15 brows. I have lost about all my hair.

16 Q. Now, when you say it wasn't too long -- I want to
17 talk about the hair on your legs. Did it fall out --

18 A. I noticed it a couple of months.

19 Q. A couple of months later?

20 A. Yeah, a couple of months later I noticed -- kept
21 a'noticing the hair was getting gone off my legs.

22 Q. Did the hair ever grow back --

23 A. No.

24 Q. -- after it fell out?

25 A. No.

1 Q. It never has grown back to this day?

2 A. No.

3 Q. Did you ever see a doctor about that?

4 A. No. I never seen -- I never did see a doctor about
5 nothing.

6 Q. Until you saw the doctor about your eye and your
7 ears; is that correct?

8 A. That's right. And I went to the V. A. to see about
9 that.

10 Q. Okay. Now, I would like to go back a bit to
11 some -- to a bit of your earlier testimony; okay? Now,
12 you had talked to Mr. Brown, your boss, about the stinging
13 sensation --

14 Q. Yes.

15 Q. -- is that correct?

16 A. Yes.

17 Q. Did Mr. Brown ever tell you if he had talked to
18 anyone at Northrop about the stinging sensation when he
19 was working there?

20 A. No, no. He didn't tell me that, no. He didn't
21 tell me that.

22 Q. Okay. What did he -- What did he tell you?

23 A. He said, "Well," he said, "Tony," he said, "it is
24 some containers where that the stuff they make up at
25 Northrop Carolina is coming from, but," said, "it won't

1 hurt you." He said, "It ain't -- It never hurt me." He
2 said, "I get the same feeling that you are talking about
3 when I come out here and -- and spread the trash out and
4 pack it down."

5 Q. Did he tell you how he knew that it wouldn't hurt
6 you?

7 A. No.

8 Q. He just said --

9 A. He said it never had hurt him --

10 Q. Okay.

11 A. -- but he is dead now.

12 Q. Now, apart from this stinging sensation and the
13 accident, did you ever have any other problems with the
14 trash that was delivered by Northrop to the Walnut Cove
15 landfill?

16 A. Yeah.

17 Q. What other kinds of problems did you have?

18 A. Well, it was after I left over there at Walnut Cove
19 and opened up the landfill on U. S. 70 east of Swannanoa.
20 Why, they'd --

21 A lot of times after (b) (6) would come
22 in there and dump a load of stuff, well, I would go down
23 and spread the stuff out and be a'packing it down, and
24 sometimes there would be a explosion, like, like maybe a
25 big shotgun blast or something. I would hear it go off.

1 And then I would get -- get that old funny
2 smelling stuff that made me feel all open down through my
3 chest here and an old hacking cough, and I couldn't cough
4 up anything, and it was -- smelled sort of like gunpowder
5 or dynamite powder had went off, or like where I used to
6 burn a lot of galvanize when I was working for the
7 Silverman Company, and when you burn that stuff, was old
8 blue-looking/yellow-looking smoke comes up off of it, and
9 that's the way it smelled.

10 Q. Okay. Now, this happened at the U. S. 70 landfill;
11 is that correct?

12 A. Yeah.

13 Q. Did it ever happen at Walnut Cove, these explosions
14 and the smell?

15 A. Yeah, yeah.

16 Q. It happened at both landfills?

17 A. Yeah.

18 Q. How often did it happen? Was it once a month?
19 Once a week? How often did this problem happen?

20 A. I can't -- I can't say that, because I worked every
21 day 12 and 15 hours a day, and I -- and I can't -- I can't
22 tell you exactly when all that happened. It happened to
23 me several -- on several occasions.

24 Q. Did these -- Strike that.

25 And these explosions occurred after

1 (b) (6) --

2 A. Yes.

3 Q. -- made a delivery?

4 A. Yes.

5 Q. Did similar-type explosions ever occur after anyone
6 else had made a delivery?

7 A. No.

8 Q. And in your own mind it was clear that it was what
9 (b) (6) had delivered that caused the explosion; is
10 that correct?

11 A. Yes.

12 Q. You were going over the area where he had just made
13 a delivery?

14 A. Yes, yes. And one time up there at -- on the
15 U. S. 70 landfill (b) (6) had just left there that
16 afternoon. He made his last trip and dumped his -- dumped
17 his load in there.

18 Well, I was over there a'getting some cover
19 dirt, and he just dumped his load and waved at me as he
20 went out. Well, I went on -- I went on down to where he
21 had dumped his load and spread it out and packed it down.

22 Well, it was late in the afternoon, around --
23 somewhere around 3 o'clock, almost close to 3 o'clock, and
24 then the commercial drivers started coming in with their
25 last load. Well, it was about, the best I remember, two

1 to three, maybe four, of the commercial trucks come in
2 with their last loads of commercial garbage, and they
3 dumped.

4 I went and spreaded theirs out and packed it
5 all down and covered it up. I put about four inches of
6 dirt on top of it. And just -- I guess it may have
7 been -- may have been a little after 3:00, something like
8 that, one of them green cars, just like the same ones they
9 had that they brought over there to Walnut Cove, come
10 wheeling in there and run right down across the landfill
11 where I had it finished, already covered and everything,
12 and run right back down there where they saw some trash
13 laying piled up where a couple of cars had come in and
14 dumped some trash after all the commercial drivers had
15 left and everything.

16 Well, these guys -- they was three of them in
17 the car. Well, they had already run as close as they
18 could to the trash pile, and they was out down there
19 a'scratching around with their feet and looking around in
20 the trash, and I -- I just wheeled around my loader,
21 unloaded my bucket and took off across the landfill with
22 my loader and went down there.

23 And I jumped off my loader, and I went and I
24 said, "Hey, fellows," I says, "you" -- I said, "You can't
25 be a'digging around in this old garbage and stuff." I

1 said, "It's against the laws of the Health Department."
2 And I said, "I am in charge of the landfill here," and I
3 said, "I can't let you do that." I said, "You are not
4 supposed to be a'digging in this old filth and stuff."

5 One of them said, "Well, we are looking for
6 something."

7 I said, "Yeah." I said, "Everybody that
8 comes in here wants to dig in the trash piles a'looking
9 for something."

10 They said, "Well," said, "can you tell us how
11 long it has been since (b) (6) has been in here and
12 dumped in here?"

13 I said, "He ain't dumped some more of that
14 damned stuff in here on me, has he, that liked to have
15 killed me?"

16 And one of them said, "No." He said, "It
17 ain't nothing like that." I -- He said -- They said, "We
18 are from Northrop Carolina."

19 I said, "Well," I said, "they better not." I
20 said, "Now, (b) (6) told me that he wasn't a'going to
21 send no more of that stuff in here on me, to hurt me like
22 it done me before."

23 He said, "No." He said, "We was looking for
24 a wooden box."

25 I said, "Well," I said, "I know nothing about

1 no wooden box." I said, "If there is one in here," I
2 said, "I haven't saw it." And I said, "Even if there was
3 one in here, after (b) (6) [REDACTED] dumped his load," I said,
4 "it is smashed all to pieces now and covered up with three
5 or four feet of garbage and dirt."

6 "Well, would you tear this up for us down in
7 there so we can find what we are looking for?"

8 I said, "No, sir, I sure won't, because," I
9 said, "I have got it finished," and I said, "This is a
10 County loader and it belongs to the taxpayers." And I
11 said, "When I finish anything," I said, "I don't go back
12 over it and tear it up, unless Mr. Brown tells me to."

13 And I said, "Now, if you want that tore up
14 and find something that you have lost in here," I said,
15 "you will have to hire you a company to come in here and
16 do it and then put the landfill back just exactly like I
17 have got it fixed."

18 And they said, "Oh, that's -- Naw." They
19 said, "Just forget it." They said, "It ain't that
20 important, but" -- and then they left.

21 And, as far as I know, they never did find
22 the box they was looking for.

23 Q. Did any-- Did anything unusual happen at the
24 landfill after they left?

25 A. Yeah. Yes, sir.

1 Q. What happened?

2 A. That same night the landfill got on fire and burnt
3 the whole landfill up.

4 Q. Now, when you say it "burnt the whole landfill up,"
5 what do you mean?

6 A. It burnt the whole thing. Everything -- The whole
7 landfill was on fire, even where I had it covered and all.
8 Fire was coming up through the dirt.

9 Q. Do you know where the fire started?

10 A. No, sir.

11 Q. Did you ever find out where the fire started?

12 A. Yeah, I know what the man told me that was running
13 the little store right above it.

14 Q. What did he tell you?

15 A. He said, "The fire started right after you left
16 here yesterday evening, right at the edge of dark when you
17 left." He said, "I looked down there right at the lower
18 end of the landfill down yonder," and he said, "Right
19 there" --

20 He said, "I seen a fire start blowing up down
21 there," and said, "It wasn't but a few minutes till the
22 whole landfill was on fire."

23 Q. Now, when you say the lower end of the landfill --

24 A. Well, that was on the Swannanoa side.

25 Q. Okay.

- 1 A. Down where the gas company is now.
- 2 Q. Okay. That's Tropigas?
- 3 A. Yeah. Right there next to where it is a'sitting
- 4 right now, right next to the little creek that goes down
- 5 and runs under the highway.
- 6 Q. Okay. Now, was the lower end of the landfill where
- 7 (b) (6) had dumped?
- 8 A. Yes, right where he dumped that -- his last load
- 9 out that afternoon.
- 10 Q. You remember that was the last load he dumped?
- 11 A. Yes, yes.
- 12 Q. Were any other loads dumped in that area?
- 13 A. Yes.
- 14 Q. What loads were those that were dumped there?
- 15 A. Commercial trucks, garbage.
- 16 Q. Were these residential garbage?
- 17 A. Household garbage.
- 18 Q. And how many trucks came in?
- 19 A. Well, between three and four.
- 20 Q. And they all dumped in the same general area that
- 21 (b) (6) had dumped in?
- 22 A. They all dumped right where that they -- that I
- 23 told them to dump.
- 24 Q. And that was the lower end of the landfill; is that
- 25 correct?

1 A. It was right at the lower end of the landfill.
2 They -- They always knew where to dump the trash, because
3 I always left a few bags a' sticking up so that when they
4 came in they'd see the trash, and I never had to get off
5 my loader unless it was just some private guy came in
6 there and wanted to just set his stuff out in the middle
7 of the landfill or out in the road.

8 Q. Uh-huh.

9 A. And I had trouble with people like that every day,
10 because they didn't want to drive back there and dump
11 their trash in the trash pile. They wanted to set it out
12 on the edge of the road --

13 Q. Uh-huh.

14 A. -- or dump it where I already had the landfill
15 fixed and cause me to have to scrape it off and then go
16 back over it and then cover it up again.

17 Q. Now, these men who came -- who said they came from
18 Northrop Carolina, did they tell you at all what was in
19 this box?

20 A. No, no. They just said he dumped it. They said,
21 "There was something on that truck in a box, in a wooden
22 box, that wasn't supposed to have been brought over here."

23 I said, "It wasn't some of that damned stuff
24 that liked to have killed me, was it?"

25 And he said, "No." He said, "You are"

1 Mr. Plemmons, ain't you?"

2 I said, "Yeah."

3 Q. Okay. Now, you said they came in a green car and
4 that it was --

5 A. Yeah. It was a green car.

6 Q. Did it have any labeling on it?

7 A. It had a round -- It had a round insignia on the
8 side of it, and I don't know what it said on it, but it
9 had a round thing on the side of it.

10 Q. Now, I believe you said that similar cars had come
11 down to the Walnut Cove landfill.

12 A. Walnut Cove, yeah.

13 Q. And that was on the day of the accident?

14 A. Yeah. There was a whole bunch of them come out
15 there.

16 Q. Those were the people you understood to be from
17 Northrop; is that correct?

18 A. Yeah.

19 Q. It was the same kind of car?

20 A. Yeah.

21 Q. Did the cars that came on the day of the accident
22 at Walnut Cove have an insignia on the side?

23 A. I don't remember whether they did or not, because I
24 couldn't see very well, and I was mad and my eyes was
25 a'watering, and I don't remember what it said on the side

1 of them, whether it said Sheriff's Department, Police
2 Department, Northrop Carolina or whatever.

3 Q. Now --

4 A. I just know that there was a whole lot of them
5 a'sitting there when I got back over there.

6 MR. WARREN: Clarify the word "insignia." If
7 you ask him what it had on it, it might --

8 Q. (By Mr. Wheeler) What symbol was on the door of
9 the car on that day the three men came to be at U. S. 70
10 landfill?

11 A. It was some -- They was some little old round-like
12 thing on the side of the door.

13 Q. Do you remember anything more about it?

14 A. I remember it was a green four-door sedan. That's
15 the only thing I can remember.

16 Q. I mean the symbol on the side of the door.

17 A. No, no, no. No, I didn't get that close to it to
18 look at it to see what it said on it. I just went down in
19 to where they was at and told them to get out of the trash
20 pile.

21 Q. Now, how were the three men dressed who came?

22 A. They were dressed in suits.

23 Q. Did they have ties on?

24 A. Yes.

25 Q. All three of them?

1 A. Yes.

2 Q. Did they tell you their names?

3 A. No. They just said they was from Northrop
4 Carolina.

5 Q. Did you ask them their names?

6 A. No, sir, I didn't.

7 Q. Did you ever see any of those three people -- or
8 three men --

9 A. No.

10 Q. -- again?

11 A. No, not them same.

12 Q. Do you know who they were?

13 A. No.

14 Q. Never run across any of them again?

15 A. No.

16 Q. I would like to go back a minute to these
17 explosions that you had when you would run the loader.
18 You said it was like a shotgun blast going off.

19 A. Well, it sounded like that under the loader, and
20 the loader a'running. I don't know what -- It may have --

21 If the loader hadn't been a'running and I run
22 over it, it might have sounded like a stick of dynamite
23 went off, but from what I could hear -- I could always
24 hear it -- it sounded like a muffled shotgun blast went
25 off, and then just a second or two after that I smelled

1 this old funny smell.

2 Q. And the smell you described was like -- Did the
3 smell change from time to time? In other words --

4 A. Yeah. Sometimes it smelled a little different,
5 yeah, but it would always give me that funny sensation
6 down in my throat, down in my chest, just -- and it always
7 smelled like some kind of gunpowder or dynamite smoke or
8 like where you had been a'burning galvanize.

9 Q. Now, when you say it gave you a sensation in your
10 chest, is it the kind of sensation you get if you set off
11 firecrackers near you and you smell the smoke?

12 A. Yeah. It smells like that, yeah. It smells like
13 that, yeah.

14 Q. Does it feel like that when you breathe it in?

15 A. Yeah, yeah, yeah, and makes you feel -- made me
16 feel real open down through here, and I had to cough, but
17 I never could cough up nothing.

18 Q. Does it smell kind of sulfury?

19 A. Yeah, yeah, yeah, like you said, sort of like
20 firecrackers when -- back when we was kids, you know,
21 throwing firecrackers and playing with them.

22 Q. And they would go off near you, and the smoke would
23 blow --

24 A. Yes.

25 Q. -- and you would breathe it in and --

1 A. That's right, sir. You are right. That's -- Yeah,
2 that's something like that, yeah.

3 Q. Okay. Did you ever talk to (b) (6) about the
4 explosions?

5 A. I can't remember if I ever did or not.

6 Q. Did you ever see what caused the explosions?

7 A. I don't know whether that caused the explosions or
8 not, but I saw a lot of big old long bullet shells, and I
9 saw a lot of hand grenades, and I asked (b) (6) about
10 them one time.

11 I said, "Why" -- I said, "Them hand grenades
12 that's on that truck that you dumped in there," I said,
13 "won't them things explode?"

14 He said, "No." He said, "They are damaged
15 goods." He said, "As far as I know, they won't go off."

16 Q. So you don't know what it was that was exploding?

17 A. No. I don't have the least idea. No, sir, I sure
18 don't.

19 Q. Now, these things like bullets, did you ever take a
20 look at them?

21 A. Yeah, I took two of them home with me one time for
22 souvenirs and set them up on the edge of my television.

23 Q. Did they look like the kind of bullets you would
24 put in a gun?

25 A. A big long -- Just something like the shells we had

1 in -- in -- in World War II that went in our 37 millimeter
2 gun.

3 Q. So they were big shells?

4 A. Yeah, big long shells, big long shells.

5 Q. Do you know whether they had powder in them?

6 A. I do not -- I don't know that. I don't have the
7 least idea whether they did or not.

8 Q. Did you ask (b) (6) about the bullets?

9 A. I -- I asked him about all that stuff. I said,
10 "What is them little old bitty things?" He would bring
11 some little old bitty things in there that had things
12 looked on them like parachutes.

13 Q. Uh-huh.

14 A. And I said, "What is that stuff?"

15 He said, "Well, from over there where you
16 live," he said, "don't you -- in the night a lot of
17 times," he said, "don't you see things a'going up in the
18 air and a'making a big light?"

19 I said, "Yeah."

20 He said, "That's what that is."

21 I said, "Well," I said, "will" -- I said,
22 "Won't they set the landfill on fire or something if they
23 go off in here?"

24 He said, "I don't know."

25 Q. Did you ever have -- Strike that. Did --

1 Now, you have described this occasion
2 when the three men came and there was a fire that someone
3 told you had originated in the area where (b) (6) had
4 made a final load of the day. Were fires a common
5 occurrence at the landfills?

6 A. Yeah. They occurred -- I had --

7 Q. And I am talking here about the Walnut Cove
8 landfill --

9 A. Yeah.

10 Q. -- and the U. S. 70 landfill.

11 A. That -- That Walnut Cove, it caught on fire with me
12 about -- about three times, and I had to stay over there
13 all night long a couple of nights.

14 And (b) (6), that lived
15 right on the bank above the landfill, looking right down
16 on the landfill, he is the one that called me the first
17 time the landfill got on fire over there, and it scared
18 him, because he was afraid the stuff was going to blow up
19 there on his house and set his house on fire and his
20 property. And I have known him for 60 years --

21 Q. Uh-huh.

22 A. -- because my father used to own that property
23 there where we built the landfill before he sold it to
24 (b) (6), and I have known (b) (6) for
25 60 years.

1 So he called me that night and he said -- he
2 said, "Mr. Plemmons," he said, "you'd better come over
3 here." He said, "This landfill is on fire and," he said,
4 "I am afraid it is going to catch my house on fire."

5 Well, I jumped in my truck and went over
6 there, and I asked him, I said, (b) (6) " I said, "who was
7 down in that landfill after I left?" I says, "Did
8 somebody go down there and throw out some more trash and
9 set it on fire or something?"

10 He said, "There ain't been a soul down in
11 there, Mr. Plemmons." He said, "There ain't been a soul."
12 He said, "I have been a'sitting right here on my porch."

13 He said, "It started right back down there,"
14 and he said, "All at once," he said, "it just started
15 burning all over, coming up out of the ground." He said,
16 "I was afraid it was going to set my house on fire."

17 Q. Did you see where that fire started?

18 A. No, I didn't see where it started, but he showed me
19 down there where it started on the lower end.

20 Q. It started on the lower end of the Walnut Cove --

21 A. Yeah.

22 Q. -- landfill?

23 A. Down where I was a'dumping at. Down where I had
24 been a'dumping all day, that's where it started at and
25 where I had it covered.

1 Q. And you don't know what started the fire?

2 A. No. I don't have the least idea what started it,
3 sir. No, sir, I sure don't.

4 Q. Do you know who had made deliveries to that area
5 that day?

6 A. Yes, sir, I sure do.

7 Q. Who had made deliveries to that area?

8 A. Everybody in the Swannanoa Valley, practically:
9 all the commercial haulers, private haulers, people from
10 Beacon, people from up at -- who works at Northrop -- who
11 worked up at Northrop Carolina brought their trash in
12 after they got off from work.

13 Northrop Carolina dumped in there all day.
14 All the commercial drivers dumped in there all day. All
15 the private people around there that got off from work
16 that evening at 3 o'clock from their plants, they dumped
17 in there all day. Yes, I know who dumped in there.

18 Q. Were there ever any fires at either the Walnut Cove
19 landfill or the U. S. 70 landfill which you believe were
20 started by materials dumped by Northrop Carolina?

21 A. I can't say that, sir.

22 Q. Okay.

23 A. I am not going to say that, because I don't know.

24 Q. You don't know?

25 A. No, sir, I don't. I am just -- All I am a'saying

1 is that the fire started and I don't know how come it to
2 start or ever what started it.

3 Q. Now, after -- Strike that.

4 Let's go off the record for just one minute.

5 (Recess.)

6 Q. (By Mr. Wheeler) Mr. Plemmons, I would like to go
7 back a little bit into when you opened up the U. S. 70
8 landfill. Now, you opened the landfill; is that correct?

9 A. Yes, sir.

10 Q. What was the land like before you opened the fill?

11 A. Well, the first part of it, see, was up next to the
12 railroad.

13 Q. Was it a meadowland? What sort of land was it on?

14 A. It was -- Well, yeah, sort of a swamp, because
15 there was a branch that was coming through a culvert under
16 the railroad, and it was running down and just spreading
17 out over a big portion of the part of the land that we was
18 going to put a landfill in, on that part of it. But they
19 was a road that went in -- in between that part and the
20 lake.

21 See, the lake that I am talking about is
22 where Grove Stone & Sand Company at one time had a
23 portable rock crusher sitting in there, and they dug this
24 big pit out in there right on the edge of the highway, and
25 it had filled up with water. But there was a road that

1 went down between that part and the part where I first
2 started at over next to the railroad.

3 I went over and I cut the water out of it. I
4 cut the water out of the landfill and put it over against
5 the bank where it would run down the edge of the mountain
6 and down into the channel that went under the highway into
7 the Swannanoa River and took it out of the landfill.

8 And I buried garbage in the first part of it
9 until all that kindly dried up that was over in there
10 where the water had been running, and I -- I finished that
11 last.

12 Q. So you drained out the area before you --

13 A. As best I could.

14 Q. -- as best you could before you used it as a
15 landfill?

16 A. Yeah.

17 Q. Okay.

18 A. Yeah. And then I -- Then after I finished that
19 part of the landfill over there -- See, that's where I was
20 working when (b) (6) --

21 (b) (6), that's where he was a'coming
22 into that landfill, but that's where I was working when he
23 quit Northrop Carolina.

24 Q. This was in the lower part where you had drained it
25 out?

1 A. That was over on the railroad side.

2 Q. Okay. You were still working on the railroad
3 area --

4 A. Yeah.

5 Q. -- when he quit?

6 A. When he quit working for Northrop Carolina.

7 And (b) (6) went to work a'driving the same
8 truck that he drove, and -- and after I finished that
9 landfill over there, then I came over and started pushing
10 the water, burying garbage and whatever in the lake, and
11 a'pushing the water as I went and burying the trash in --
12 down in the bottom and pushing it out through the channel
13 which was down next to the gas company on the right.

14 There is a channel that goes right down
15 through there, and I piled it full of barbed wire, hog
16 wire and chicken wire and all that kind of stuff to keep
17 trash from going through the channel and going down into
18 the Swannanoa River. But that's where I was a'working.

19 And I had already made the second layer over
20 the lake and had it all filled in, and I was -- I was on
21 my second layer there when one evening this (b) (6) --

22 Q. Uh-huh.

23 A. -- he came in with his last load that afternoon,
24 and he came in and was right back down there on the lower
25 end, right next to the gas company, and that's where I was

1 a'dumping at. Well, he went ahead and dumped his truck.
2 I packed it down and covered it up.

3 Q. Now, (b) (6) [REDACTED] was the driver who replaced
4 (b) (6) [REDACTED] is that correct?

5 A. Right. (b) (6) [REDACTED], he had already quit Northrop
6 Carolina then. But (b) (6) [REDACTED] was driving the same truck
7 that he used to drive.

8 So that afternoon (b) (6) [REDACTED], he dumped his
9 load in there and maybe a -- maybe another commercial
10 truck. I am not sure, but maybe. But a lot of other
11 people from around Swannanoa there, after they got off
12 from work at them plants and things --

13 I always stayed around there until 7 or
14 8 o'clock, waited for everybody to get off from work and
15 get their garbage emptied and everything. Then I would
16 cover the landfill, leave and go home.

17 Well, the first thing the next morning,
18 Mr. Hamilton -- Well, in other words, this Mr. Hamilton I
19 am a'talking about, his brother is a commercial
20 haulerman -- hauler, hisself, John Hamilton. Well, his
21 brother drove a trash truck for Beacon, Beacon
22 Manufacturing Company.

23 So the next morning I hadn't been there but
24 about 30 minutes -- and I always got there around
25 7 o'clock -- well, he came in with a load from Beacon, and

1 there hadn't been nobody else in there to dump nothing.
2 And he just pulled up there where I was at and said --
3 said, "Where do you want me to put this, Mr. Plemmons?"

4 I said, "Just back right straight back there,
5 Hamilton." I said, "Just -- Just back right straight back
6 there." I said, "Don't back off in the -- at the end of
7 the landfill, now." I said, "Just back right to the end
8 of it and dump it right down in the hole there."

9 Well, he backed back down there and was
10 raising his bed up on his truck, hadn't never dumped
11 nothing. He was just a'fixing to raise the bed up, and I
12 looked back down there and the fire was grewing [sic] up
13 all around his truck and everywhere.

14 And I run down there, and I said, "Hamilton,"
15 I said, "man," I said, "you better get this truck out of
16 here." I said, "See this? It is on fire." I said, "What
17 did you do? Throw a cigarette in there or something, or a
18 match?"

19 He said, "Man," he said, "I ain't got no
20 matches." He said, "I ain't got no -- I ain't throwed no
21 cigarettes down."

22 I said, "Well, you had better pull that truck
23 out of here." I said, "It is going to be on fire the next
24 thing you know," and he pulled the truck out.

25 I said, "Get back down to Swannanoa as quick

1 as you can," and I said, "Tell them to send the fire truck
2 up here."

3 Well, he took right on off with his truck
4 still loaded. He let the bed back down on it and took
5 right on off and went down, and it wasn't just a minute
6 till the fire trucks come up there. And we stood there
7 for two or three hours, and they was squirting water out
8 of their tanks on that fire, on a big old blue blaze of
9 fire coming up out of the ground.

10 And they put the whole tankful of water on
11 it, and it never did go out. I said, "Well, maybe I can
12 put it out with some dirt," so I started carrying dirt and
13 pouring on it and rolling it and packing it down until I
14 finally got it put out.

15 Q. Now, do you know what caused that fire?

16 A. No, sir, I sure don't.

17 Q. You don't know whether it was something that
18 (b) (6) brought?

19 A. No, sir, I do not. I can't --

20 Q. But it was the same area (b) (6) and other people
21 had been dumping the previous afternoon; is that correct?

22 A. Yes, sir.

23 Q. Now, did you ever talk to (b) (6) about that
24 fire?

25 A. No, sir.

1 Q. Did you ever call anyone at Northrop about that
2 fire?

3 A. No, sir.

4 Q. Did you ever call anyone at Northrop about any of
5 the fires?

6 A. No, nothing only -- Just when the landfill would
7 get on fire, I would call over there sometimes and say,
8 "Could you send your fire truck over here? My landfill is
9 on fire again."

10 They'd say, "Yes, sir. We sure will."

11 Q. Now, did Mr. -- After (b) (6) took over from
12 (b) (6) did you still have that experience with the
13 stinging sensation?

14 A. Not very much, not as bad as I have had.

15 Q. But it would still happen occasionally?

16 A. Yeah, occasionally. He would bring a load of
17 little old wooden-like boxes over there, little old square
18 wooden boxes, and I would run through them and bust them
19 all up and mash them up, and I would get that sensation,
20 that smell, you know.

21 Q. Uh-huh.

22 A. Then I would just run and get me a big loader full
23 of dirt and spread over it, but not as bad, not near as
24 bad as it that liked to kill me over on Walnut Cove and --
25 and in the first part of that landfill on U. S. 70.

1 Q. Now, how long did you work at the landfill on
2 U. S. 70?

3 A. I believe I worked there from about '70 till '72, I
4 think it was, the best I remember. Now, I am not
5 absolutely sure, but it seems to me like I left over in
6 Walnut Cove in '70 and moved up there on U. S. 70, and it
7 was either -- seems to me like it was '72 when I left
8 there and went to work up at Grove Stone, and then they --
9 they got me to come back to work for them, the County did.

10 Q. Are there any documents anywhere that you know of
11 that would help you figure out when it was that you went
12 to work at U. S. 70 and how long you stayed there?

13 A. I have probably got -- I have probably got papers
14 at home that would tell you all that, because I have
15 got -- I have got all kinds of papers and doctors'
16 statements from the V. A. and from the Family Practice
17 Center and places I have worked and the dates and
18 everything on it.

19 Q. Now, did (b) (6) continue to keep making
20 deliveries to the U. S. 70 landfill as long as you worked
21 there?

22 A. As long as I worked there, he did.

23 Q. Do you know if he was working for Northrop at all
24 times that he was making deliveries?

25 A. Yes, yes.

1 Q. How do you know that?

2 A. Well, because the sign was on the truck.

3 Q. Do you know if -- Strike that.

4 Did (b) (6) ever tell you that?

5 A. Did he ever tell me what?

6 Q. That he was working for Northrop.

7 A. Yeah.

8 Q. Did he tell you more than -- Strike that.

9 When was the first time he told you that?

10 A. Well, the first time he ever came in there
11 a'driving (b) (6)'s truck I said -- I called him by
12 his name, his initials. I think -- The best I remember, I
13 knew his father, (b) (6), but they called him by initials.
14 Seemed like it was (b) (6).

15 And I said, "Hey," I said, "that's" -- I
16 said, "How come you're driving (b) (6)'s truck?"

17 He said, "I" -- He said, "Well," he said,
18 "they took me out of the plant up at Northrop and put me
19 on (b) (6)'s truck when he quit."

20 I said, "Has he quit?"

21 He said, "Yeah." He said, "He's gone." He
22 said -- He said, "They took me out of the plant where I
23 was working up at Northrop and put me on his truck," and
24 he drove his truck all the time.

25 THE VIDEOGRAPHER: I would like to advise

1 counsel we have only two minutes' worth of tape before we
2 have to switch tape.

3 MR. WHEELER: Why don't we just take a break
4 to switch the tape.

5 (Pause.)

6 THE VIDEOGRAPHER: This is Tape No. 2 on
7 Mr. Plemmons' video-tape deposition.

8 Q. (By Mr. Wheeler) Now, other than that first time
9 you talked to (b) (6) [REDACTED] about the fact that he had
10 replaced (b) (6) [REDACTED], did (b) (6) [REDACTED] on any other occasion
11 tell you that he was working for Northrop?

12 A. No, he didn't have to tell me, sir. I saw him
13 a'driving the truck in there when he would come in.

14 Q. Do you know -- Strike that.

15 Are you aware that the Northrop Carolina
16 property was eventually leased to a company called
17 Chemtronics?

18 A. No, sir. I didn't know that for years.

19 Q. You didn't --

20 A. In fact, I didn't even -- I didn't even know it
21 when this gentleman right here contacted me.

22 Q. So that --

23 A. I didn't even know it then. I didn't know that it
24 was this company that you are talking about. I thought it
25 was still Northrop Carolina.

1 Q. So no one ever told you that -- that Chemtronics
2 had taken over at the Northrop place?

3 A. No.

4 Q. Just a couple more questions.

5 First of all, how was your health, in
6 general, before you started working at the landfill in
7 Walnut Cove?

8 A. Well, sir, I will tell you what the doctors told my
9 wife and my daughter, my first wife and my daughter, when
10 I went to the hospital with this viral infection called
11 encephalitis.

12 Q. And that was when? When did you go to the
13 hospital?

14 A. That was in 1974.

15 Q. Okay. Now, I want to focus on before when you
16 first went to work for the Environmental Health Department
17 at the County.

18 A. There wasn't nothing wrong with me and hadn't been.
19 The only time I had ever been in the hospital was when I
20 was in the Army.

21 Q. And that was 25 years before that time?

22 A. Yeah. That was in 1942 and '3.

23 Q. Okay. Do you -- Strike that.

24 Do you recall an interview that was conducted
25 with you by the Environmental Protection Agency about four

1 years ago?

2 A. Yes. Yes, me and him was together up in Black
3 Mountain.

4 Q. Do you remember who else was at that interview?

5 A. A whole bunch of gentlemen, just like there is
6 here, and a lady.

7 Q. Did the gentlemen have on ties?

8 A. Most of them did, yes, sir. They were all dressed
9 real nice. They were nice gentlemen, every one of them.

10 Q. Now, was a statement taken from you, a written
11 statement taken from you, or taken down of what you said
12 at that interview, if you know?

13 A. They was a statement taken down of everything that
14 I said.

15 Q. And --

16 A. I went back later and signed that statement before
17 a notary public.

18 Q. Did you bring that statement with you here today?

19 A. I don't have it. I think this is it right here.

20 Q. Now, is that the statement that you are pointing to
21 in your attorney's hand?

22 A. Yes, it is.

23 Q. And that is the statement that you signed; is that
24 correct?

25 A. Yes, sir, that's the one -- Yes, sir, it sure is --

1 Q. Okay.

2 A. -- because he has already read it to me, and I know
3 he wouldn't read something to me that was a lie. I have
4 that much faith in him.

5 Q. He read through that statement -- Strike that.

6 He read that statement to you?

7 A. Yes, he did.

8 Q. Now, has he read it to you on more than one
9 occasion?

10 A. Yes. He read it to me the first time, the first
11 time that him and this lady, whatever you call her, that
12 took it down when I made the statement.

13 Q. A court reporter like the court reporter on my
14 right here?

15 A. That's right. And this gentleman called me and
16 wanted me to come back up to Black Mountain and take the
17 statement that I had made before a notary public and sign
18 it, and I did.

19 Q. And that is Mr. Warren you just --

20 A. Mr. Warren, Bob Warren, and this here -- This stuff
21 in this book right here that he read to me is just exactly
22 what I told him, and it's all the truth, absolutely the
23 truth. No lies to it, none whatsoever.

24 Q. So -- So you told the truth when you were asked
25 those questions four years ago; is that correct?

1 A. Yes, siree. Yes, siree. I ain't going to tell no
2 lie for nobody. I ain't going to tell no lie to help
3 nobody, no lies that help nobody, and I ain't going to
4 steal nothing.

5 Q. Now, did Mr. Warren read that statement again to
6 you last night?

7 A. Yeah, he read that -- Yeah, he read it to me to
8 make sure that that is the one that I signed up there in
9 front of the notary public.

10 Q. And was it -- Do you remember --

11 A. It's the same -- It's the same one, yes.

12 Q. And when you listened to him read it to you was
13 there anything you wanted him to change in it?

14 A. There was one thing.

15 Q. Okay.

16 I would like to, first of all, mark as
17 Exhibit WTP 000000 -- put six O's in there -- 1-38 what I
18 will represent to be a copy that was made this morning of
19 the statement that Mr. Plemmons has just been referring
20 to.

21 (Copy of a 39-page transcript of an interview
22 with William Tony Plemmons by the U. S.
23 Environmental Protection Agency, dated 12 December
24 1985, was marked Defendant's Exhibit
25 No. WTP 0000001-38 for identification.)

1 MR. WHEELER: And I wonder if you will give
2 that to the witness and his attorney.

3 Q. Now, Mr. Plemmons, on Page 10 of this exhibit there
4 is a word in Line 11 that has been circled. I believe the
5 word is "white."

6 A. Did Mr. Warren read it to me, because --

7 Q. Yes, sir.

8 A. -- like I told you, I don't have no schoolizing
9 [sic].

10 Q. Yes, sir.

11 Why don't you just take what you need to read
12 to him, Mr. Warren?

13 MR. WARREN: All right. The -- Right above
14 Line 11, talking about "(b) (6)" was still driving for
15 Northrop at that time and he was still hauling stuff in
16 there and so was that chemical company where these fellows
17 who worked up there all the hair on them, everywhere, all
18 over their body, turned real white, orange color."

19 THE WITNESS: I didn't say "white." I said
20 "bright."

21 MR. WARREN: Right.

22 Q. (By Mr. Wheeler) Now, is that the only change that
23 you wanted to make in the statement?

24 A. That's all. He read ever bit of it to me, and I
25 listened to it. Everything that he read to me off of that

1 was just exactly what I told him before, except that one
2 thing. When he said a white orange, I said -- I said,
3 "Mr. Warren," I said, "I didn't say nothing about no white
4 orange, because," I said, "I never saw a white orange." I
5 said, "I told you that their hair was a bright orange
6 color," and it was, every hair on 'em.

7 Q. Mr. Plemmons, at the time that you gave this
8 statement -- this exhibit, what has just been shown to
9 you -- four years ago, were you certain of the dates that
10 you were asked?

11 A. Well, I was more certain then, sir, than I am now.

12 Q. And is that simply because it is farther along in
13 time?

14 A. That's right, and I think I am about six or seven
15 years older, aren't I, or four years older or something?

16 Q. If I were to ask you whether I should rely on the
17 dates that were given in the statement four years ago or
18 the dates that you can remember today, which dates would
19 you tell me that I should rely on more?

20 A. The ones that I gave in that statement right there,
21 most of them, the best I could remember, because it had
22 been a long time then after I had left the landfill, and I
23 had been very sick, very sick. I laid in a coma 80 hours.

24 Q. So even when you gave the statement four years
25 ago --

1 A. But I have a lot of --

2 Q. -- you did the best you could in terms of giving
3 dates?

4 A. Yeah, and I had a lot of papers. I had a lot of
5 papers that after he came to my house and brought
6 (b) (6) after he found out who it was that -- and --
7 and I called --

8 I called the Environmental Health Department.
9 I called the place in Atlanta, Georgia -- What do you call
10 it?

11 Q. The EPA.

12 A. I called them, myself, took it on my own, to call
13 them, myself, when I found out what they was doing up
14 there at Northrop Carolina and finding all that stuff that
15 had been dumped around on people's property and all this,
16 that and the other.

17 I said, "Why, them people," I said, "they put
18 all this stuff in them landfills where I was a'working."
19 I said, "That's what liked to have killed me," and I -- I
20 just called Atlanta, myself, and I told them who I was and
21 where I had worked at.

22 And I said, "You should start looking in
23 these landfills where -- where they dumped all that
24 stuff."

25 And this boy that answered -- This gentleman

1 that answered the telephone, he said, "Well, I am not the
2 one you want to talk to." He said, "He will be back in
3 just about 30 minutes." And he said, "Give me your name
4 and telephone number and I'll have him call you back."

5 Q. And did he call you back?

6 A. They never did call me back.

7 Q. But they interviewed you; is that correct?

8 A. He was -- He was at the interview, and I told him,
9 I said, "Are you the one that I talked to when I called
10 Atlanta, Georgia?"

11 He said, "I didn't know you ever called
12 Atlanta, Georgia."

13 I says, "Well, I can show you right here,"
14 and I had my telephone bill receipt in my pocket. I said,
15 "Is that your telephone number right there in Atlanta,
16 Georgia?"

17 He said, "Yes, it sure is."

18 I said, "Then you were the one I called,
19 then," and I said, "You never did return my call like you
20 said you would."

21 Q. Okay. Now, in connection with making the statement
22 to the EPA, you said you had some documents; is that
23 correct? Did you look at any documents to get ready to go
24 talk to the EPA?

25 A. No, just -- just I remembered a lot of dates, and I

1 had the check stubs and stuff like that.

2 Q. Okay. So you looked at those sorts of materials
3 before you talked to the EPA; is that correct? In other
4 words, to get ready to talk to them, you wanted to get the
5 dates in your mind. Did you look at some things before
6 you talked to the EPA?

7 A. No, I didn't -- No. I didn't look at nothing
8 before I talked with the EPA.

9 MR. WARREN: He is --

10 THE WITNESS: Is that the people in Atlanta,
11 Georgia, you are talking about?

12 Q. (By Mr. Wheeler) No. This interview that's in
13 this book.

14 A. Oh.

15 Q. I guess I am misunderstanding.

16 I don't think at this point it is material,
17 and I have no further questions.

18 EXAMINATION

19 BY MR. WARNER:

20 Q. Mr. Plemmons, as perhaps you heard, my name is
21 Glenn Warner, and I represent Northrop Corporation.

22 When did you enter the Army in World War II?

23 A. The 12th day of October, 1942.

24 Q. Did you enlist, or were you drafted?

25 A. I was -- enlisted. I volunteered, crazy-like.

1 Q. Several of us were.

2 A. Yeah.

3 Q. What branch of the Armed Forces did you enlist in?

4 A. The 105th Combat Engineers, 30th Division.

5 Q. Do you remember your Army Serial Number?

6 A. Yes, sir.

7 Q. What is it?

8 A. 14165224.

9 Q. What was the highest rank that you held in the
10 United States --

11 A. PFC.

12 Q. Did you remain state-side throughout your Army
13 career --

14 A. Yes, sir.

15 Q. -- or did you go overseas?

16 A. State-side.

17 Q. What job did you do in the 105th Combat Engineers?

18 A. I was a bridge carpenter. I was classified as a
19 bridge carpenter.

20 Q. What kind of work did you do as a bridge carpenter?

21 A. We built bridges, built roads.

22 Q. Did you do any demolition work?

23 A. Yes, we did a lot of demolition work: building
24 bridges, blowing them down, building them back, blowing
25 them down. We was blowing trees down.

1 Q. Did you personally handle explosives?

2 A. I did sometimes: bangalore, tar pieces and such.

3 Q. Did you set the charges?

4 A. No, sir.

5 Q. Did you ever --

6 A. No. We had what they called a powder monkey that

7 did that with a battery.

8 Q. Were you ever in the vicinity when those charges

9 were exploded?

10 A. Yes, I was.

11 Q. Nearby?

12 A. No, not very close.

13 Q. Close-by?

14 A. Not very close.

15 Q. You stayed a safe distance away; right?

16 A. Yes, tried to.

17 Q. For how long a time were you involved with

18 demolition work while you were with the engineers in the

19 United States Army? Throughout the time of your service,

20 were you?

21 A. Yeah. We all -- That -- That was our job.

22 Q. Demolition?

23 A. Building bridges and blowing them down and learning

24 us how to blow trees down with bangalore torpedoes made

25 out of TNT and dynamite.

1 Q. And that was what you were occupied in doing a lot
2 of the time?

3 A. No. I didn't do that, not all the time, no.

4 Q. What else did you do?

5 A. I worked on bridges, building bridges and building
6 barricades across roads, marching, taking my training like
7 the rest of the men did, on the in-field dredging course
8 and on the demolition course and all that stuff, just like
9 the rest of the men.

10 Q. When were you discharged from the Army?

11 A. In September of '43.

12 Q. September of '43?

13 A. Yes.

14 Q. Was that discharge for a service-connected
15 disability?

16 A. No. No, sir.

17 Q. What was the reason for your discharge?

18 A. That's what I have been trying to find out for the
19 last five years. They never have told me. All I have got
20 is an honorably discharge from the Army of the United
21 States. When discharged, physical condition, excellent.

22 Q. I didn't hear that, sir. What did you say?

23 A. When discharged, physical condition, excellent.
24 Character, excellent, but they ain't never stated yet why
25 they discharged me, and during wartime, as bad as they was

1 needing men in September of '43.

2 But that was after I had got hurt in Camp
3 Blanding [phonetic spelling], Florida, and stayed in the
4 hospital three months. And they hadn't never told me yet
5 why they discharged me, and I am not service-connected.

6 Q. How were you hurt?

7 A. I fell off of an obstacle, the second time, a
8 50-foot high obstacle.

9 The first time a boy dropped a log across my
10 back when we was building barricades across the road,
11 carrying the logs out of the mountains. He stumbled and
12 fell and throwed his end of the log down. The rest of it
13 hit me across the back.

14 And then the next time I fell off of the top
15 of a 50-foot obstacle, which was an A-frame with
16 rope-laced ladders. I guess if you were in the service
17 you know what I am talking about.

18 Q. I wasn't in the engineers. I was lucky.

19 A. Well, they had that in all parts of the Service.

20 But I had been across the -- I had been
21 across that obstacle course time after time after time
22 before that, but after I got hurt, after that boy dropped
23 that log across my back and hit me on this upper part of
24 my neck here, well, I -- I hadn't got over that yet.

25 And when I got up to the top of that and

1 looked down, the First Sergeant was standing down there.
2 He looked like he was just a'weaving around and around
3 that way. The next thing I knowed he was hollering at me
4 to get up, and I was laying on the ground, flat on my
5 back.

6 Q. After this first accident when the man dropped the
7 log on your back and in your neck were you hospitalized?

8 A. No. I didn't tell on the boy. I didn't tell on
9 him, because we had had strict orders what to do, and I
10 knew what Sergeant Abernathy would do if I told him what
11 the boy done, and I didn't tell on him.

12 Q. And how long after that first accident did you --
13 was it before you had the second one when you fell off
14 that obstacle course?

15 A. I can't remember exactly. I just don't remember.

16 Q. When you had that 50-foot fall off the obstacle
17 course you were hospitalized; is that right?

18 A. I was hospitalized after that. I don't know when
19 I -- I don't know how I got from there to the barracks or
20 whether I left there and went to the hospital, whether
21 they carried me, whether they put me in a ambulance,
22 whether they put me in a truck or made me walk. I don't
23 remember. But I remember, the next thing I knowed, I was
24 in the hospital.

25 Q. Where was that hospital?

1 A. In Camp Blanding, Florida.

2 Q. How long were you in that hospital?

3 A. Approximately three months, the best that I
4 remember.

5 Q. Did you have any broken bones?

6 A. Not that I know of. They transferred me from there
7 back to Tennessee, where my outfit was on maneuvers, and
8 that's where they discharged me at, back in the mountains
9 in Tennessee.

10 And I walked two days and nights out of the
11 mountains a'getting to where I could catch a bus, because
12 they wouldn't take me to the -- They wouldn't take me to
13 the highway, and they wouldn't take me to no town where I
14 could catch a bus.

15 Q. You were, then, discharged within a very short time
16 after you left the hospital; is that correct?

17 A. Well, it wasn't too awful long. Maybe a month.
18 Maybe two months. I -- August, Sept-- No. It was -- I
19 will say approximately two months.

20 Q. Had you been on active duty during that two months?

21 A. Well, I was doing the best I could. I done all I
22 could do. I couldn't do much. I passed out a lot. My
23 back would get to hurting. My head would get to hurting,
24 and I would kindly black out, but I was still on active
25 duty.

1 Q. Did you report at reveille every morning?

2 A. Pardon?

3 Q. Did you report at reveille every morning?

4 A. Every morning, yes, sir.

5 Q. Did you go with your unit to whatever job it was
6 assigned to do during each day?

7 A. I did for -- up until, I would say, two weeks
8 before they discharged me. And then my platoon sergeant
9 come around and telling me -- One morning he told me,
10 said, "Don't you leave your tent." We was a'living in
11 tents.

12 He said, "Don't leave your tent this
13 morning." He said, "Pack all your personal belongings and
14 your barracks bag." He said, "There will be somebody here
15 in a Jeep to pick you up."

16 Well, the MP come by in a Jeep after they had
17 all left. He came by and picked me up and took me to
18 Battalion Headquarters, which was way back in the
19 mountains in a great big tent.

20 Well, I had already refused technical
21 discharge twice down in Camp Blanding, Florida, but when
22 they laid the discharge down there to me, the man told me,
23 said, "Here is your discharge," that he was a major. He
24 said, "Here is your discharge." He said, "Sign it right
25 here, and I will give you your travel pay."

1 I said, "I have already told you that I won't
2 want no discharge. I want to stay in the Army. I want
3 something done for me."

4 He said, "You see that man still sitting up
5 there in the Jeep, that MP?"

6 I said, "Yes, sir."

7 He said, "You sign your discharge now, or,"
8 he said, "he is going to take you someplace and he is
9 going to hold you until you do sign it."

10 I said, "Give me the -- Give me the pencil,"
11 and I signed it. And I walked for two days and nights out
12 of them mountains, trying to get back to where I could get
13 home.

14 Q. You told me that twice while you were in Camp
15 Blanding, Florida, in the hospital they asked you to
16 accept a discharge.

17 A. That's right. They did.

18 Q. Did they tell you why?

19 A. They said there wasn't nothing else they could do
20 for me.

21 Q. Did they tell you what was wrong with you?

22 A. They said it was my back.

23 Q. Anything else?

24 A. Said, "We have done everything we can do for your
25 back." Said they -- Said, "We can't do nothing for it."

1 Q. Did they tell you there was anything else wrong
2 with you?

3 A. No. _____

4 Q. Were you having blackouts at that time?

5 A. No.

6 Q. Those blackouts didn't begin until you returned to
7 your base; is that right?

8 A. Back in Tennessee, and they only started when they
9 would make us walk a long ways or dig foxholes, dig
10 trenches or be a'walking a long ways or --

11 Part of us in the Red Army and part of us in
12 the Blue Army, and all this, that and the other, and my
13 head and back would get to hurting so bad a'walking and
14 a'carrying the load, well, I would just -- I would just
15 get dizzy, and I would just have to sit down. And it all
16 come from my back. That's all it come from. Just come
17 from where I hurt my back, because that's where it would
18 start at and go right up in the back of my neck, up into
19 my head.

20 Q. Now, that was the first accident when the man
21 dropped the log on you; right?

22 A. No, no, no.

23 Q. You said he dropped the log on your back and on
24 your neck.

25 A. That's right.

1 Q. Now, when you fell from the obstacle course, do you
2 remember how you landed?

3 A. I was a'laying on my back, when I looked up and
4 seen stars. And Abernathy was standing there hollering at
5 me, "Get up and catch up. Get up and catch up." And I
6 got up and started off. And he hollered, "Come back here
7 and get this rifle." I had left my rifle a'laying there.

8 So I turned around and come back and got my
9 rifle, and I tried to catch up, but I couldn't run. And I
10 got up to where Sergeant Holliman was at, and there was
11 another obstacle to go over.

12 He said, "Just go around that one, Private
13 Plemmons, and go over there where the other men are
14 standing," and I don't remember whether I went from there
15 to the hospital or from there up to the barracks or what.

16 Q. The next thing you knew you were in the hospital?

17 A. That's right. And then they sent me from the
18 hospital back to my outfit in Tullahoma, Tennessee, Camp
19 Forest. That's where I was discharged at. And that's
20 where they -- That's where they done me dirty.

21 Q. Have you ever gone to the Veterans Administration
22 to ask them if you could see copies of your service
23 record?

24 A. For the last five years I have been after it, and I
25 have got a stack of letters that high.

1 Q. Have they showed -- Have you received copies of
2 your service records?

3 A. No, sir. They said they all got burned up, as far
4 as they knew. And every time I would go -- I would go to
5 one and ask could they help me, show them my old
6 discharge, say, "Can you tell me why that they discharged
7 me?" I said, "Read my discharge." And I said, "Tell me
8 why they discharged me, if there wasn't something wrong
9 with me."

10 "I don't know." They said, "You might go to
11 so and so. Maybe they can tell you."

12 I go to so and so. I say, "Can you help me
13 find my medical records from Camp Blanding, Florida, when
14 I was in the hospital after I got hurt and stayed in the
15 hospital for three months, and when they discharged me in
16 Camp Forest, Tennessee, and look at my discharge and tell
17 me why they discharged me?"

18 "They say that I was in excellent condition."
19 I said, "Can you explain that to me?"

20 "I don't know."

21 That's all the answers I have got, sir, for
22 the last five years now that I have been pursuing that.

23 Q. So you --

24 A. And I have got all the letters at the house.

25 Q. So you have never seen --

1 A. All I can get is -- "All we know is they got burned
2 up in St. Louis." That's all I can get out of them.

3 Q. And you have never seen the hospital records --

4 A. No, sir.

5 Q. -- that relate to your treatment and care --

6 A. No, sir.

7 Q. -- at Camp Blanding?

8 A. No, sir. They said -- and even when (b) (6) [REDACTED],
9 when I first went into the V. A. Hospital sick, and they
10 told me I wouldn't be able to work no more, to sign up for
11 my Social Security and a nonservice connected V. A.
12 pension, he said, "Get you a power of attorney." He said,
13 "I would advise you to get (b) (6) [REDACTED]."

14 So I knowed (b) (6) [REDACTED]. I worked with him out
15 here at the City. He was a Captain of the Police
16 Department, and I called him. He come over to the V. A.
17 Hospital.

18 He said, "Well," said, "we'll just fill out
19 the papers and send them in." He sent them in. They sent
20 me and him both back a letter and said, "We will have to
21 have some more information, because," said, "We ain't got
22 no information on this man ever being in the service or
23 ever being discharged out of the service."

24 And that was from Winston-Salem. And that's
25 where all the papers are supposed to be, but they didn't

1 have no papers on me. They didn't know that I had ever
2 been in service or ever was discharged out of the service.
3 I had to send them a copy of my old discharge.

4 MR. WARNER: No further questions.

5 THE WITNESS: Thank you, sir. I appreciate
6 that.

7 MR. WARNER: Thank you.

8 MR. WARREN: Thank you very much.

9 MR. WHEELER: Again, why don't we go off the
10 record.

11 I think Mr. Warren is going to have to read
12 this one to the witness, too.

13 MR. WARNER: Fine.

14 MR. WHEELER: So why don't we do the same
15 stipulation as yesterday?

16 MR. WARNER: (Nodding head up and down.)

17 MR. WARREN: Great. I appreciate that.

18 (At 12:09 p.m. proceedings in the
19 above-entitled matter were concluded.)

20 ---oOo---

21

22

23

24

25

I, WILLIAM TONY PLEMMONS, have read the foregoing 113 pages of testimony given by me on Tuesday, June 27, 1989, in Asheville, North Carolina.

The testimony should be corrected as follows:

| PAGE | LINE | CORRECTION AND REASON THEREFOR |
|------|------|--------------------------------|
| 1 | 1 | 1 |

Subject to the foregoing corrections, my testimony is as contained in the foregoing deposition.

Signed at _____, North
Carolina, this _____ day of _____,
1989, under penalty of perjury.

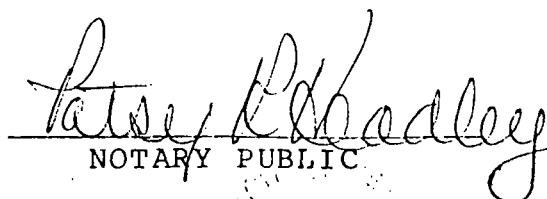
WILLIAM TONY PLEMMONS

1 STATE OF NORTH CAROLINA)
2 COUNTY OF BUNCOMBE) SS.

3 I, PATSY R. HEADLEY, a Notary Public for the
4 State of North Carolina, do hereby certify:

5 That on the 27th day of June, 1989, there
6 appeared before me, pursuant to Notice, WILLIAM TONY
7 PLEMMONS; that the appearances were as shown in the
8 caption hereof; that the said deposition was taken at the
9 time and place indicated, commencing at 9:35 a.m.; that
10 the said witness was sworn by me to tell the truth, the
11 whole truth, and nothing but the truth in said cause; that
12 the foregoing testimony was taken by me by computerized
13 Stenotypy and thereafter scoped and printed by me; and the
14 foregoing transcript is a true record of the testimony
15 given by the witness; that the witness has been requested
16 to read and sign the deposition; that I am not of kin or
17 in any wise associated with any of the parties to said
18 cause, or their counsel, and that I am not interested in
19 the event thereof.

20 WITNESS my hand and official seal this 17th
21 day of July, 1989.

22
23 
24 NOTARY PUBLIC

25 My Commission expires September 20, 1991.

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION IV
DOCKET NO.: 86-03-C

In the matter of:
Chemtronics Site

Swannanoa Valley Medical Center
Swannanoa, North Carolina
12 December 1985

Northrop Corporation
1800 Century Park East
Los Angeles, California

Chemtronics, Inc.
180 Old Bee Tree Road
Swannanoa, North Carolina

INTERVIEW OF:

TONY PLEMMONS

Respondents.

ATTENDING:

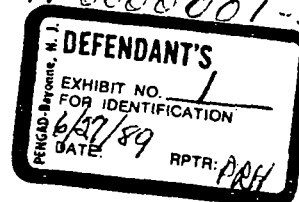
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REPORTED BY: Rebecca Padgett-Harris, Notary Public



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1 TONY PLEMMONS did agree that both the
2 reading over and signing of the transcript are
3 hereby reserved.

4 EXAMINATION BY MR. JON BORNHOLM:

5 Q Tony, could you state your name and address and
6 telephone number for us?

7 A I'm living right now -- the address is on
8 Dillingham Circle in the Riceville section. My
9 mailing address is Box 232A, Route 2, Asheville.
10 My telephone number, 298-7833.

11 Q Okay. When did you work for the county in the
12 landfills?

13 A From March in 1968 and I had to retire from
14 there in 1974.

15 Q What landfills did you work at that you know of
16 had wastes coming from Northrop, Chemtronics
17 facilities, to the landfills? Could you just
18 talk about those?

19 A The first landfill that I built had already been
20 started. When I went to work for the Buncombe
21 County Health Department, Environmental Health
22 Department, in March of '68, the first landfill
23 that I went to was in the Buckeye Cove Section
24 which is called Walnut Cove. That landfill is
25 where the most of the stuff that was dumped in

1 there from Northrop Carolina. They called it
2 Northrop Carolina then but I don't know what you
3 all call it now. Then they called it Northrop
4 Carolina. It was dumped in there everyday.
5 That is where they dumped three fifty pound bags
6 of it in on me one time. And I run through it
7 with a loader and it liked to kill me. That is
8 where it liked to smothered me to death and
9 blinded me and I crawled up the bank up into the
10 road to my truck and got to some water and
11 throwed it in my eyes and drink some and got the
12 stuff washed off of me. I fell off my loader,
13 it knocked me off my loader. It just -- all
14 just boiled right up in my face and up my pants
15 leg and everything when I run through it, three
16 bags of it. And a gentlemen, (b) (6) he is
17 the gentleman that brought it in there that
18 morning and dumped it. But, he didn't know it
19 was on the truck because I found that out later.
20 He didn't know it was on the truck because the
21 truck had been loaded that night. When he came
22 to work that morning, he brought the truck load
23 of stuff that was loaded on the truck up to the
24 landfill to unload it. The stuff was on the
25 truck which he didn't know it was on there.

1 When I started spreading the trash to spread it
2 out and pack it down and cover it up like I
3 always did everything that was on the landfill
4 the first thing of a morning when I got there,
5 this was around 8:30 or maybe a quarter till 9,
6 I run through them bags of stuff and the teeth
7 on my buckets, on my loader, ripped them bags
8 open. And it all just boiled right up in my
9 face through the loader and strangled me and
10 blinded me. I fell off the loader, lost my
11 glasses out of my pocket and I crawled up the
12 bank into the road where my truck was at, where
13 I had water on my truck in a five gallon can
14 that I always carried water in with a spigot on
15 the bottom of it. I got there to it and throwed
16 water in my eyes and washed my eyes out and my
17 face and everything and finally got to where I
18 could get in my truck. I only lived about a
19 mile from there and I went to my house and
20 called my superintendent.

21 Q And he was who?

22 A Robert W. Brown. I called him and told him what
23 had happened. He said, "I will get in touch
24 with them people up there right now and find out
25 what is going on over there." So it wasn't --

1 when I got back over there, the road was lined
2 up with executive cars from Northrop Carolina
3 and they was all wanting to know what happened.
4 And I said, "You see that loader sitting there;
5 don't you?" I said, "That pile of stuff that is
6 under," I said, "See that white stuff all over
7 it?" I said, "That is what is the matter with
8 my eyes," and I said, "I can't hardly see or
9 nothing." They said, "Well, go down there and
10 move your loader and we will see what it is." I
11 said, "No," I said, "If you want to move it,
12 you move it." I said, "I ain't going back down
13 in there at all till all of that stuff is out of
14 the way." So (b) (6) -- I told them, I
15 said, (b) (6) can operate that loader," and
16 I said, "If you want it moved," I said, "You let
17 him move it and back it up off of that stuff
18 that I run into there." So, when he backed it
19 up off of it, then, they had him to pick it up.
20 They had him to pick it up and put it in some
21 other bags. He picked it up himself but he had
22 a mask on his face and gloves and everything. I
23 told them, I said, "I ain't getting back on that
24 loader until you get the fire truck over here
25 and wash all that stuff off of it." I said, "I .

1 am not getting back in that stuff no more." So
2 they brought the fire truck over there and
3 washed the loader down real good. (b) (6) [REDACTED]
4 loaded all that stuff up, picked it up and put
5 it in another container and put it on the truck.

6 Q Was that the only time or incident that you
7 remember when you were working in that landfill
8 that you were affected like that?

9 A No, no. That is the worst time, that was the
10 worst time. It was in that landfill when I
11 first went to work there. I didn't even know
12 what it was because I had never been in contact
13 with it enough. I didn't even know what it was.
14 Mr. Brown had always been going out there
15 offered me a job. He was the County
16 Superintendent then. He'd go out there and take
17 the dozer and spread the trash and pack it down.
18 We didn't have a loader at that time, the County
19 didn't, to carry dirt and spread over the trash.
20 We had to hire Anderson's Construction Company
21 from Weaverville. Mr. Anderson would come
22 sometimes and sometimes one of his operators
23 would come and bring the loader. Maybe once a
24 week or maybe once every two weeks they would
25 come and cover the stuff up. When I first went

1 to work for them, I was spreading the stuff with
2 a dozer and packing it down and I felt this
3 burning on me all the time. I couldn't figure
4 out what it was because I didn't know nothing
5 about Northrop Carolina then. I didn't know
6 what they was bringing in there or that other
7 chemical place up there, either one. I asked
8 Mr. Brown one day when he came out there, I
9 said, "Mr. Brown, what is this stuff that is
10 burning me all the time." I said, "Every time I
11 am pushing trash over and spreading it out and
12 packing it down," I said, "There is something
13 always burning me, stinging me." I said, "Do
14 you know anything about what that could be?" He
15 said, "That is some kind of stuff that they
16 bring in here from up at this plant up on Bee
17 Tree." He said, "There is a plant up there that
18 they call Northrop Carolina." Said, "It ain't
19 going to hurt you." Said, "I don't reckon it
20 will hurt you." I said, "Well, it sure don't
21 feel good." I said, "It keeps stinging my face
22 and burning me and down on my shirt collar
23 every time I get into it."

24 Q What was the time frame of that? What years?

25 A That was from the time that I went there in

1 March of '68 right on up until the day I left
2 over there. It followed me right on up to U.S.
3 70 when I opened that landfill up up there.

4 Q Did you close that Buckeye landfill?

5 A Yes.

6 Q What year was that?

7 A That was about -- it was either late '69, it was
8 close to late '69 or the first of '70, somewhere
9 along in there.

10 Q How about the landfill near what is now
11 Tropigas? What can you tell us about that?

12 A Well, now, that is the landfill I built next.

13 Q Right.

14 A I built the first part of it. See, there was
15 two parts, there was two parts to that landfill.
16 See, the first part was right on the edge of
17 U.S. 70. Right off of U.S. 70 was a lake.

18 Q Yes.

19 A And there was a road that went down -- the lake,
20 I'd say, I guess it was 100 or 150 feet wide and
21 approximately 150 feet long. Right up from the
22 lake, there was a road that went down through
23 there, right down like you are going right down
24 to where that gas company is right now that you
25 are talking about. But the first landfill I

1 built in there was up from the railroad, from
2 the bottom bank of the railroad over to the
3 road. I built the landfill in there first. I
4 filled all of that in. Then after I got that
5 landfill built, they was still hauling. (b) (6)

6 (b) (6) was still driving for Northrop at that
7 time and he was still hauling stuff in there and
8 so was that chemical company where these fellows
9 who worked up there all the hair on them,
10 everywhere, all over their body, turned real
11 white orange color. They brought stuff in
12 there.

13 Q That is not Northrop?

14 A No, it ---

15 Q It was a different company?

16 A No, it was another -- it was some kind of a
17 chemical company up above Northrop Carolina.
18 This fellow that drove a truck had come in there
19 and he had this funny colored hair all over him,
20 all over his arms and eyebrows and all the hair
21 that I could see on him everywhere. I was
22 talking to him there one day and I asked him, I
23 said, "Is your hair all over you that natural
24 color?" He said, "No," he said, "That old
25 stuff that I work in up there turns your hair

1 that color." I said, "Are you dumping it in
2 here?" He said, "Well, we are not dumping that
3 stuff in here but it comes from the same plant."
4 So he dumped stuff in there all the time and
5 Northrop Carolina dumped their stuff in there
6 all the time. (b) (6) was driving a truck
7 at that time from Walnut Cove right on over to
8 U.S. 70 with me. He was still driving for them
9 and he dumped stuff in there all the time. And
10 every once in awhile I would run into something
11 he would bring in there and I would feel that
12 same sensation. A lot of times he brought stuff
13 in there and I seen a lot of hand grenades and a
14 lot of great big shells and parachutes. A lot
15 of times I would run through that stuff and pack
16 it down and I would get that same sensation,
17 that burning feeling, you know. I would call
18 (b) (6) I said, "You ain't sending that damn
19 stuff back over here again that liked to killed
20 me, are you, after I told you not to?" He said,
21 "No," he said, "It might be some of the material
22 from around it," but he said, "I make sure that
23 none of that stuff don't get back on the truck
24 no more." I said, "I am still feeling some of
25 the effects from it." He said, "Well, it ain't

1 enough to hurt you in no way." I said, "All
2 right." I said, "Just make sure you don't send
3 no more of those bags of that stuff up here to
4 strangle me to death." Then one day -- that was
5 over on the other side when I had done finished
6 that part over there next to the railroad. But
7 when I started filling in the lake side, I was
8 right down on the lower end, I had done and made
9 one layer through the lake and pushed all the
10 water out through that little channel on the
11 lower end down there which all the filth and
12 everything went out of the trash pile right down
13 through that ravine, through that little channel
14 and went right down into the Swannanoa River.
15 But one day this car came flying in there, it
16 was about 2:30 in the afternoon, close to 2:30
17 or a quarter of 3:00 maybe. The Northrop truck
18 had just left there about an hour before that.
19 This car came wheeling in there and had three
20 gentlemen in it. It wheeled right down through
21 the landfill and went right down next to the
22 lower end where they seen the trash piled up
23 down there. They went down there and started
24 picking around in the trash. I jumped on the
25 loader and run off down through there which I

1 wasn't supposed to let nobody mess in the trash
2 or garbage or nothing. I told them, I said,
3 "Look fellows," I said, "You can't be prowling
4 around in that trash." I said, "If you got some
5 garbage to dump," I said, "You can go ahead and
6 dump it." I said, "Just don't be fooling around
7 in the trash." They said, "We are looking for
8 something." I said, "Yeah, everybody who comes
9 in here is always looking for something." I
10 said, "Just get out of there." I said, "You've
11 no business in that garbage, that filth." I
12 said, "Just get out of there." They said, "We
13 are from Northrop Carolina," and said, "There is
14 something that come in here," said, "Do you
15 remember the last truck that come from Northrop?
16 Do you know where he dumped the stuff at?" I
17 said, "Yes," I said, "I know where he dumped
18 that." I said, "It has been about an hour or an
19 hour and a half ago since he was here." I said,
20 "When he dumped the stuff in here," I said,
21 "There has been five or six commercial trucks in
22 here since then." I said, "I've done and spread
23 all that stuff out, packed it down and sprinkled
24 dirt on it." I said, "Why, what are you looking
25 for?" Said, "Well, they dumped something in

1 here that we want." Said, "It ain't supposed to
2 be here." Said, "They wasn't supposed to bring
3 it over here." I said, "It ain't some more of
4 that damn stuff that liked to burnt me up; is
5 it?" He said, "Are you Mr. Plemmons?" I said,
6 "Yeah." He said, "No, Mr. Plemmons, it ain't
7 that stuff. It is something else." I said,
8 "Well, I don't know where it is at." I said, "I
9 ain't seen nothing." I said, "What is it
10 supposed to look like?" He said, "Well, it is
11 in a wooden box." I said, "I haven't seen it."
12 I said, "I don't know nothing about it and I
13 don't even know where it is at now." I said,
14 "Because like I told you," I said, "I've done
15 and spread all that trash out and packed it down
16 and covered it up besides this last two loads
17 that come in here that you are looking at right
18 there that you were kicking around in." I said,
19 "You are not going to prowl in that trash." I
20 said, "If you want to tear this landfill up and
21 hunt for whatever it is you are looking for, you
22 will have to call Mr. Brown and tell him." I
23 said, "This county equipment ain't going to
24 tear the landfill up for you." I said, "You
25 will have to hire one yourself and come down

1 here and do it." They said, "Well, don't reckon
2 it is that important." I said, "Well, you just
3 get out of the trash pile then." So they got
4 out and went and got in their car and left.
5 Well, that same night, right in that same
6 section down there, right where they were
7 looking for whatever it was that they were
8 looking for, when I came back to work the next
9 morning, the landfill was on fire down there.
10 There was no garbage or trash or nothing left on
11 top of the ground because I always spread it
12 out, packed it down and sprinkled dirt on top of
13 it before I left of the evening to keep it from
14 blowing out into U.S. 70 Highway.

15 Q Right.

16 A But the landfill was on fire underneath the
17 dirt. I took my loader and run down there and
18 was going to sprinkle some more dirt, pour some
19 more dirt on top of it and see if I couldn't get
20 the fire out. But it didn't go out and I called
21 Swannanoa Fire Department and they come up there
22 and put water on it. Well, they put water on it
23 and I dipped down in it and when I dipped down
24 in there, flames started coming up out from
25 under the ground. And I guess the captain of

1 the fire department down there which always come
2 to the landfills and helped me put out fires, he
3 told me, he said, "Pour some more water on
4 that." I done that a couple of times, dug it up
5 and the fire was under the ground and we put it
6 out with the water. I took the loader and
7 poured about six inches of dirt all over top of
8 it and got it out. Then another time after
9 that, after Northrop had been in there a dumping
10 stuff, there was -- (b) (6) [REDACTED] wasn't driving
11 then. I think he had already left that company
12 but there was a boy -- a man named (b) (6) [REDACTED] that
13 was driving the truck then. He had dumped stuff
14 in there the evening before that. Well, the
15 next morning one of Beacon's trucks came up and
16 (b) (6) [REDACTED], a black guy, was driving the
17 truck. He came in and there was no fire on the
18 landfill nowhere, there was no fire nowhere. He
19 was about the second person that had come on the
20 landfill that morning real early from down here
21 at Beacon. He backed his truck -- I told him, I
22 said, "Just back right over there on that end
23 where I am going to start this morning." I
24 said, "Just back your truck right in there and
25 dump it right off in that little hole there."

1 He backed his truck in there, raised his bed up
2 and was dumping his garbage and I seen smoke
3 coming out from under his truck. In a few
4 minutes, I seen flames start coming up around
5 his truck. I was way over there on the other
6 side and I jumped on the loader and ran across
7 there as fast as I could and he was standing
8 outside the truck and I said, "Man," I said,
9 "Look under your truck there," I said, "It is on
10 fire," I said, "The whole thing around you is on
11 fire." I said, "You better get that truck out
12 of here, it is going to catch on fire." He
13 jumped in the truck and pulled it up. I said,
14 "Did you throw a match or something down there?"
15 He said, "Man," said, "I ain't throwed no match
16 down nowhere." Said, "I ain't even smoking."
17 Said, "I ain't got no match." I said, "Was it
18 on fire when you backed in there." He said,
19 "No, man, there wasn't no fire there nowhere."
20 I said, "Well." And it was coming up all around
21 then, come up out of the ground and all around.
22 I said, "Well, you are unloaded. Get on back
23 down to Beacon as quick as you can and tell them
24 to send a fire truck up here and help me to get
25 this fire out." Well, they sent the fire truck

1 up there again and helped me put the fire out.
2 But the landfill got on fire several times and
3 nobody didn't set the fires because there wasn't
4 nobody on there to set it. A lot of times, I
5 would be spreading the trash and packing it down
6 and I could hear that explosion under me,
7 sounded like a muffled shotgun sound go off.
8 And a lot of times it smelled like maybe you had
9 shot a shotgun and could smell the smoke from
10 the barrel from the shotgun. Sometimes it would
11 smell like that. Then a lot of times there
12 would be a little sickening smell like where a
13 welder is burning or welding galvanized. An old
14 real, opening, sickening feeling down in your
15 chest and everything. I would get out of it and
16 go and get me some water and stay away from it
17 till that scent would go down and I would go
18 back and pour dirt all over top of it.

19 Q You did not close that landfill?

20 A Pardon?

21 Q Did you close that landfill, too?

22 A No.

23 Q You left ---

24 A No, I left there. I left the county and went to
25 work for Grovestone, Grovestone Sand Company and

1 Gravel Company.

2 Q Were you involved with any other landfills
3 that ---

4 A Yeah.

5 Q --- received the wastes from ---

6 A Yeah. See, I left the county from down there on
7 U.S. 70. And when I left there, there was still
8 about 50 or 75 feet out in the landfill from U.
9 S. 70 that hadn't been finished yet. They went
10 ahead and supposedly finished that part of the
11 landfill.

12 Q Yes.

13 A And I was working at Grovestone at that time.
14 They called me from the Buncombe County Health
15 Department. I had been working for Grovestone
16 for about approximately eight months and they
17 called me and wanted me to come back to work for
18 them, to the Buncombe County Health Department.
19 I found out what they wanted and what my pay was
20 going to be and everything. They told me they
21 would put me right up with the rest of the
22 operators and my pay would go on just exactly
23 like it was when I left there. I told Mr. Bill
24 Brown, the superintendent I was working under at
25 Grovestone. I told him I would give him a

1 week's notice that I would be leaving there the
2 next week so I did. I went back to work for
3 them. But in the mean time, I kept going by
4 that landfill there which was supposedly to have
5 been finished. I kept seeing water standing on
6 the landfill out in that section where I left it
7 and they had finished it.

8 Q Yes.

9 A But water was standing in there all the time and
10 I told two or three people that I knew exactly
11 what was wrong with the landfill there, where
12 the water was coming from. They wanted to know
13 how I knew and I said, "Well, I happen to know
14 just exactly where the water is coming from and
15 the reason why that water is standing out there
16 like it is." So, they finally had to get T. K.
17 Brown Construction, Tommy Brown. They hired him
18 to come down there and tear the landfill up
19 and fix it, what I knew was wrong with it to
20 start with, and he fixed that.

21 Q What other landfills did you work at that you
22 know that ---

23 A Grovestone.

24 Q Grovestone?

25 A Yeah.

1 Q Where is that?

2 A It is right above -- it is on Grovestone's
3 property, right above the Grovestone office up
4 here or the Grovestone Sand and Gravel Company
5 right up the hollar, up the creek from the
6 Grovestone plant there.

7 Q And that landfill received wastes from Northrop?

8 A Now, that I can't tell you.

9 Q Okay.

10 A Just like I have told a couple or three of these
11 gentlemen here, I ain't going to tell you
12 something that I don't definitely know. I ain't
13 going to say maybe or I guess. I am just going
14 to tell it to you just like it is.

15 Q Okay.

16 A They had already started that landfill up there
17 and I had went back to work. I had quit
18 Grovestone at that time, I had went back to
19 work for the county. And I was working for the
20 county health department at that time but I was
21 moving junk automobiles, these old junk cars
22 out of the county. I had got sick, that is
23 when I took that encephalitis and I had been
24 sick. When they released me out of the VA
25 Hospital to go back to work, instead of going

1 back to moving junk cars, they wanted me -- Mr.
2 (b) (6), the superintendent over there at that
3 time, asked me would I come back here to
4 Grovestone. Said they had been getting a lot of
5 complaints from (b) (6) an and Mr. Brown about
6 the way that them fellows was a messing up his
7 property up there and wasn't a building the
8 landfill right. That they checked my records
9 and found out I knew more about building
10 landfills than anybody. He wanted me to go up
11 there and rework the part that they had built
12 and finish the landfill. So I went up there and
13 done that. I had to rework a whole lot of the
14 landfill where they had already started.

15 Q Right.

16 A I finished the rest of it until they stopped us.

17 Q Okay. You don't know ---

18 A Now, I don't know.

19 Q --- whether or not waste came from Northrop?

20 A No. If it did -- if anything came from Northrop
21 Carolina up there in that landfill, it would
22 come on a commercial truck. It didn't come on
23 one of Northrop's trucks.

24 Q Okay.

25 A Because I knew all their drivers and I knew

1 their trucks. If they sent anything up there to
2 that landfill at Grovestone, it come in there on
3 a commercial truck.

4 Q Commercial truck?

5 A Yeah.

6 Q Any other landfills that you know of or that you
7 worked at?

8 A No. That is the only ones that I worked at.
9 After I worked that one up there, after I left
10 that one at Grovestone, is when I came back over
11 there right off of I-40, over on (b) (6) [REDACTED]
12 (b) (6) [REDACTED]'s property. They had leased that
13 property from (b) (6) [REDACTED].

14 Q The county had?

15 A Yeah. So I went over there and started that
16 landfill. Well, Northrop Carolina, they had a
17 Riverside Plant, they called it, down near
18 Woodfin somewhere down in there. They called it
19 the Riverside Plant. They sent stuff from down
20 there up there because I knew the fellows that
21 was driving the trucks. Because I was in the CC
22 Camp with the bossman and I knew him, (b) (6) [REDACTED]
23 (b) (6) [REDACTED] He come up there with the driver on the
24 truck and I said, "Why are you bringing this
25 stuff all the way from Woodfin up here?" We

1 always called (b) (6) but his name is
2 (b) (6) but he goes by the name of (b) (6)
3 (b) (6). I said, (b) (6)," I said, "Why are you
4 bringing this stuff all the way from the
5 Riverside Plant up here?" Said, "They told us
6 to load it on here and bring it up here, said
7 take it to the Swannanoa landfill." Twice they
8 did that and I hadn't had five or six feet of
9 the landfill started, way down in the hole then.
10 I built the landfill up after that and I kept a
11 pull on stuff way up on side of the hill.
12 Lines were cut all the way around it so the
13 water would run off that was coming down in the
14 landfill, run off and run down around the other
15 side of the landfill and go through the culvert.
16 Around the left side, also.

17 Q About what year was this?

18 A That was in '73.

19 BY DR. GARY SERIO:

20 The Martin landfill was in '73?

21 BY THE WITNESS:

22 Yeah, yeah. Yeah, I'm pretty sure it was '73,
23 yeah. That landfill was where I was working
24 when I got sick. And I got sick and had to go
25 in the hospital. That was the second time that

1 I had to go into the hospital. The first time I
2 went to the hospital was nine months before
3 that. When I had to leave up there the last
4 time when I went in the hospital so sick, I
5 stayed in the hospital seven months.

6 Approximately seven months at VA Hospital. And
7 like I said, I don't want to tell you no lies or
8 nothing. That is the last check I drewed right
9 there, that was my last paycheck. That was the
10 date on it right there. (tenders)

11 EXAMINATION CONTINUED BY MR. JON BORNHOLM:

12 Q February '74.

13 A That was the last Government check I drewed
14 right there.

15 BY MR. ANTHONY YOUNG:

16 That was before you went in the hospital?

17 BY THE WITNESS:

18 That is when I had to go back to the hospital
19 the second time off the landfill.

20 BY DR. GARY SERIO:

21 Could you go back and try to run the frame of
22 dates? It is pretty clear except for when you
23 left Buckeye. You closed that in '70 but then
24 the move to Tropigas and then to Grovestone.
25 Could we try to get some dates on that?

1 BY MR. JOHN SCHULTHEIS:

2 Yes, Grovestone. That is what I was curious
3 about, too. What years did that operate?

4 BY DR. GARY SERIO:

5 Once you left -- you closed Buckeye Cove in early
6 '70 and you went to Tropigas. How long did you
7 work at Tropigas?

8 BY THE WITNESS:

9 Sir, I ain't never worked at no Tropigas
10 Company.

11 BY MR. JON BORNHOLM:

12 No, we meant the landfill.

13 BY MR. JOHN SCHULTHEIS:

14 The U.S. 70 landfill.

15 BY THE WITNESS:

16 Oh, the U.S. 70 landfill. Well, let's see. I
17 am trying my best to tell you fellows the best I
18 can about these dates and things you are asking
19 me now. I went to work for the Health
20 Department in March of '68. I stayed over there
21 in Walnut Cove in the Buckeye Cove section on
22 that landfill and finished that landfill. And
23 the best of my recollection, it was the last of
24 '69 or maybe the first of '70.

25 EXAMINATION CONTINUED BY MR. JON BORNHOLM:

1 Q And from there you went ---

2 A Maybe '69, '70. I may have opened up that
3 landfill on U.S. 70 in '71, the first of '71,
4 maybe. The best I can remember, I may have
5 opened it up in the first of '71 or sometime in
6 '70, the best I can remember. I left the health
7 department over there after I had done and built
8 that first part of it next to the road there. I
9 had built over half of it in the lake when I
10 left there. And it was the last of '72 when I
11 left there, when I went to work for Grovestone.
12 I worked for Grovestone for approximately eight
13 or nine months. It was '73 when I came back to
14 work for the health department.

15 Q Tony, do you remember if (b) (6) brought any
16 waste to that U.S. 70 landfill?

17 A Yes, he did, yes. Yes, he brought stuff in
18 there everyday, yeah.

19 Q To the one on U.S. 70?

20 A Yeah, he sure did. Him and after he left the
21 company up there, Northrop Carolina, after he
22 left that company, there was another gentlemen
23 that started driving his truck and his name was
24 (b) (6) He went by his first initials, but I
25 can't remember what it was. I knew his father,

1 I knew his father here in Swannanoa. (b) (6)

2 (b) (6) was this boy's father.

3 Q Can you give us the approximate times or years
4 for the Grovestone landfill? When that was
5 opened and closed, if you can remember that?

6 A Oh, it was somewhere in '72 that they opened it
7 up up there. I left up there -- after I went
8 back to work for the county, I was working for
9 the Grovestone Sand and Gravel Company when they
10 opened the landfill up up there and that was the
11 last of '72, somewhere along in '72. I left
12 Grovestone in '73 and came back to work for the
13 Buncombe County Health Department. I first went
14 to work a moving junk cars, me and (b) (6)

15 (b) (6)

16 Q Then you got sick?

17 A That is when I got sick and they said it was
18 encephalitis, herpes and encephalitis that I had
19 taken. I stayed in a coma for 78 hours with it
20 in the VA Hospital. Then when I got well or
21 when they released me out of the hospital, they
22 released me under the conditions that the health
23 department put me back to work at their own
24 risk, not the Veterans Administration.

25 Q Yes.

1 A So I went back to work and when I went back to
2 work, they wanted me to go up here to Grovestone
3 and finish that landfill because they had been
4 having ---

5 Q Problems with it?

6 A --- problems with it.

7 Q Complaints?

8 A Complaints from (b) (6) [REDACTED] and also, Mr.
9 Bill Brown that was the superintendent.

10 Q Okay. And you closed that landfill?

11 A I finished it up but I didn't go back and put
12 the dirt on it, the last two feet of dirt. I
13 didn't do that because I left there just as
14 quick as they said we were finished there.
15 I left there and went back up here right off of
16 I-40 on (b) (6) [REDACTED]'s property and opened that
17 landfill up. I worked there until I got sick.

18 Q Okay.

19 A Then when I got sick on that landfill up there
20 and had to go back to the VA Hospital, I stayed
21 in the hospital for seven months. And that is
22 when they told me I wouldn't ever be able to
23 work anymore.

24 BY MR. JON BORNHOLM:

25 Okay. Any more questions?

1 BY THE WITNESS:

2 And I haven't worked another day since at
3 nothing. I ain't be able.

4 BY MR. JON THAMES:

5 Let me ask two questions.

6 EXAMINATION BY MR. JON THAMES:

7 Q You mentioned at one time when you had that
8 incident with the bags that you told them (b) (6)
9 (b) (6) could operate the machinery. Was he
10 in the habit of operating the machinery?

11 A Yeah, he had, yeah.

12 Q Why was he operating the machinery?

13 A Well, no, he didn't operate it. I would tell
14 him a lot of times -- I said, "I don't like to
15 get in that stuff with it burning me like it
16 is." I said, "You got on all those clothes and
17 those rubber gloves and everything." I said,
18 "How about you spreading that out there for
19 me?" He was a good operator, he was a good
20 operator. I said, "You go ahead and spread that
21 out for me, pack it down a little bit." I said,
22 "Then I will pour some dirt on it." He would do
23 that for me.

24 Q Okay.

25 A He'd be on it five or ten minutes.

1 BY MR. JON BORNHOLM:

2 How frequently did he do that? Everyday or ---

3 BY THE WITNESS:

4 No, no. Just once in awhile when he threw
5 some of that stuff in there. I said, "How about
6 you spreading it out for me." Maybe take him
7 five minutes to just spread this stuff out, you
8 know. I said, "I will finish it now."

9 EXAMINATION CONTINUED BY MR. JON THAMES:

10 Q You said that Northrop was dumping at the (b) (6)
11 (b) (6) property landfill?

12 A Yes.

13 Q Did you ever feel that burning sensation or
14 anything like that at the (b) (6) landfill?

15 A What I felt up there is what I was telling you
16 about. It is the same thing that I got into
17 over there on the other landfill at U.S. 70,
18 that funny smelling stuff.

19 Q After an explosion?

20 A Yeah. A lot of times I would have to hear that
21 little boom sound under my loader. A lot of
22 times I would be going through it and I would
23 start smelling that stuff. I would just back
24 away from it right quick and get me a bucket
25 full of dirt and pour over top of it. A lot of

1 times -- up there at U. S. 70 is where I run
2 into a lot of that stuff and over at Walnut
3 Cove, too. That is where I got into a lot of
4 that stuff that smelt -- like I told you, smelt
5 like gun powder, over on U.S. 70. And it smelt
6 like a welder was welding galvanized pipe. Any
7 of you gentlemen ever been around any welders
8 that is messing with that kind of stuff, you
9 know what I am talking about. It gives you a
10 terrible sensation down in your chest and
11 everywhere.

12 BY MR. JOHN SCHULTHEIS:

13 When you were in the Walnut Cove area after the
14 incident where the bags broke and they had to
15 wash it down, did the company ever supply you
16 with masks or anything?

17 BY THE WITNESS:

18 No. Never did give me nothing but two little
19 tubes of salve. Redaction(s)
subject to Exemption 4 (Personal
Privacy Information) told me to come over
20 there to the guard station and said he would
21 leave me salve out there to rub on my face. So
22 I went over there and told the boy who I was at
23 the guard station and he said, "Yeah, I got it
24 right here in a bag." It was two little tubes
25 of salve. Redaction(s)
subject to Exemption 4 (Personal
Privacy Information) told me, "When you get

1 that, just rub it on your face." But for two
2 weeks after that, both my eyeballs looked like
3 -- well, this don't sound too good to say but it
4 looked like in my eyeball sockets, wasn't
5 nothing laying there but a piece of liver. It
6 was about two weeks before I got all that
7 redness out of my eyes. And my eyelids was all
8 red and my eyeballs looked just like a piece of
9 liver sticking back in there.

10 BY MR. ANTHONY YOUNG:

11 Did you work at any landfills before March of
12 '68 when you went to ---

13 BY THE WITNESS:

14 No, sir, no. I worked at the city water
15 department under Jesse Jane and ---

16 BY MR. ANTHONY YOUNG:

17 Is Mr. Brown, your superintendent from the
18 health department, is he still alive now?

19 BY THE WITNESS:

20 No, sir, he is dead now. He died of -- well, he
21 was in the VA Hospital and he was over there for
22 several months before he died. I went to see
23 him and he was there for speech therapy and he
24 had a stroke and a heart attack.

25 BY MR. JOHN SCHULTHEIS:

1 What about (b) (6) ?

2 BY THE WITNESS:

3 (b) (6) s?

4 BY MR. JOHN SCHULTHEIS:

5 Yes.

6 BY THE WITNESS:

7 I don't know nothing about that man and don't
8 care nothing about him.

9 BY MR. JOHN SCHULTHEIS:

10 He took over for Mr. Brown?

11 BY THE WITNESS:

12 Pardon?

13 BY MR. JOHN SCHULTHEIS:

14 Didn't he take over for Mr. Brown?

15 BY THE WITNESS:

16 No, he didn't. Wait just a minute. Let me get
17 this straight now. (b) (6) s took office
18 and he wrote me a letter and asked me if I would
19 work for him. He said he had checked my records
20 and I had a good record as a landfill
21 superintendent and a heavy equipment operator.
22 If I would like to go to work for him or if I
23 would work under his administration, he would be
24 glad to have me. He told me to call him and I
25 called him and told him, I said, "I don't work

1 for you and I didn't work for (b) (6) [REDACTED]."
2 I said, "I work to serve the public." I said,
3 "I would just as soon work under your
4 administration as anybody else's. It don't make
5 any difference to me as long as I am serving the
6 public." I guess, yes -- no, no. (b) (6)
7 (b) (6) didn't take Mr. Brown's place. Mr.
8 Brown had had a heart attack and (b) (6)
9 (b) (6) took Mr. Brown's place. (b) (6) [REDACTED]
10 was some kind of -- well, he was supposed to be
11 my bossman.

12 BY MR. JOHN SCHULTHEIS:

13 That is what I thought.

14 BY THE WITNESS:

15 But he didn't take Mr. Brown's place because
16 (b) (6) [REDACTED] took Mr. Brown's place. And
17 when (b) (6) [REDACTED] retired, (b) (6) [REDACTED], the
18 gentlemen that is there now, he took his place.

19 BY MR. JOHN SCHULTHEIS:

20 Yeah, I know Al.

21 BY THE WITNESS:

22 (b) (6) [REDACTED], he was just the county
23 superintendent of some kind, over the landfills
24 or something.

25 BY MR. JOHN SCHULTHEIS:

1 Okay.

2 BY MR. JON BORNHOLM:

3 Any other questions?

4 (no response)

5 BY MR. JON BORNHOLM:

6 Okay. Thank you.

7 (AT APPROXIMATELY 11:00 A.M., THE PROCEEDINGS IN THE
8 ABOVE-ENTITLED MATTER WERE CONCLUDED)

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CERTIFICATE

This is to certify that the within interview was taken on 12 December 1985 at 10:15 A. M.

That all exhibits, if any, entered herein are attached hereto and made a part of this record:

That the undersigned court reporter, a notary public for the State of North Carolina, is not an employee or relative of any of the parties, counsel or witness and is not in any manner interested in the outcome of this action;

In witness whereof, I have hereunto set my hand and seal this 17th day of December, 1985.

Rebecca Padgett Harris
Notary Public for North Carolina
Commission expires: 9 May 1989

(seal)